

**SB329 ENGROSSED**



1 LPH7AW-2  
2 By Senator Barfoot  
3 RFD: Judiciary  
4 First Read: 16-May-23  
5 2023 Regular Session



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6 A BILL  
7 TO BE ENTITLED  
8 AN ACT

10 Relating to judges and justices; to prohibit government  
11 agencies, individuals, businesses, and associations from  
12 publicly posting or displaying judge's or justice's personal  
13 information on the Internet, provided they have received a  
14 written request from the judge or justice to refrain from  
15 doing so; to prohibit commercial data collectors from  
16 knowingly selling, trading, licensing, transferring, or  
17 purchasing judges' personal information; to provide for a  
18 process for a judge or justice to request their personal  
19 information not be made public; to provide for penalties for  
20 violations; and in connection therewith would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds within the meaning of Section  
23 111.05 of the Constitution of Alabama of 2022.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                   Section 1. This act shall be known as and may be cited  
26                   as the Judicial Privacy Act.

27                   Section 2. As used in this act, the following terms  
28   have the following meanings:



29 (1) DATA BROKER.

30 a. A commercial entity engaged in collecting,  
31 assembling, or maintaining personal information concerning an  
32 individual who is not a customer, client, or an employee of  
33 that entity in order to sell the information or otherwise  
34 profit from providing third-party access to the information.

35                   b. The term does not include a commercial entity  
36                   engaged in any of the following activities:

37           1. Reporting, news-gathering by a news-gathering  
38 organization, speaking, or other activities intended to inform  
39 the public on matters of public interest or concern. For the  
40 purpose of this subdivision, a "news-gathering organization"  
41 means any of the following:

42 (i) A newspaper, news publication, or news source,  
43 printed or on an online platform, of current news and public  
44 interest.

45 (ii) A radio broadcast station, television broadcast  
46 station, or cable television operator.

47                   2. Providing 411 directory assistance or directory  
48 information services, including name, address, and telephone  
49 number, on behalf of or as a function of a telecommunications  
50 carrier.

51                   3. Providing publicly available content via real-time  
52                   or near-real-time alert services for health or safety  
53                   purposes.

54 (2) GOVERNMENT AGENCY. An executive, legislative, or  
55 judicial agency, department, board, commission, authority,  
56 institution, or instrumentality of the federal government or



57 of a state or of a county, municipality, or other political  
58 subdivision of a state.

59 (3) IMMEDIATE FAMILY. A judicial officer's spouse,  
60 child, parent, or any other relative of the judicial officer  
61 or the judicial officer's spouse who lives in the same  
62 residence.

63 (4) JUDICIAL OFFICER. Any individual who is currently  
64 serving as, or has previously served as, any of the following:

- 65 a. Judge of the United States Circuit Court.
- 66 b. Judge of the United States District Court.
- 67 c. Judge of the United States Bankruptcy Court.
- 68 d. Justice the Alabama Supreme Court.
- 69 e. Judge of the Alabama Court of Criminal Appeals.
- 70 f. Judge of the Alabama Court of Civil Appeals.
- 71 g. Judge of an Alabama Circuit Court.
- 72 h. Judge of an Alabama District Court.
- 73 i. Judge of an Alabama Probate Court.
- 74 j. Judge of an Alabama Municipal Court.

75 (5) PERSON. Includes an individual, business, or  
76 association.

77 (6) PERSONAL INFORMATION. Includes, but is not limited  
78 to, all of the following:

- 79 a. Home address, including primary residence, secondary  
80 residences, or an investment property.
- 81 b. Phone number, including a home number, a personal  
82 cell number, a state-issued cell phone number, or a private  
83 extension in the chambers of a judicial officer.
- 84 c. Personal email address.



- d. Social Security number.
- e. Date of birth.
- f. Driver license number.
- g. Bank account information.
- h. Credit or debit card information.
- i. License plate number.
- j. Name or address of a school or day care facility attended by the judicial officer's immediate family.
- k. A photograph of any vehicle that legibly displays the license plate of the judicial officer.
- l. A photograph of a residence of the judicial officer that legibly displays the address of the residence.
- m. Name or address of an employer of the judicial officer's immediate family.

Section 3. (a) A government agency shall not post or display publicly on a website the personal information of a judicial officer or his or her immediate family, provided that the government agency has received a written request in accordance with Section 6.

(b) Within 10 business days of receipt of the written request, the government agency shall remove the personal information from the website.

(c) The judicial officer's and his or her immediate family's personal information shall be confidential and not be considered a public record for purposes of Article 3 of Chapter 12 of Title 36, Code of Alabama 1975.

(d) If a government agency fails to comply with a written request to refrain from posting or displaying personal



113 information publicly on a website, the judicial officer may  
114 bring an action seeking injunctive or declaratory relief in  
115 any court of competent jurisdiction.

116 Section 4. (a) A person shall not publicly post or  
117 display on the Internet the personal information of a judicial  
118 officer or his or her immediate family, provided the judicial  
119 officer has made a written request to the individual,  
120 business, or association that it refrain from disclosing the  
121 judicial officer's or his or her immediate family's personal  
122 information in accordance with Section 6.

123 (b) Subsection (a) shall not apply to any of the  
124 following:

125 (1) The display on the Internet of personal information  
126 of a judicial officer or the immediate family if the  
127 information is relevant to and displayed as part of a news  
128 story, commentary, editorial, or other speech on a matter of  
129 public concern.

130 (2) Personal information that a judicial officer  
131 voluntarily publishes on the Internet.

132 (3) Personal information received from a federal or  
133 state government source, or from an employee or agent of the  
134 state or federal government.

135 (c) After a person has received a written request from  
136 a judicial officer to protect the privacy of the personal  
137 information of the judicial officer and his or her immediate  
138 family, the person shall have 72 hours after the receipt of  
139 such request to remove the personal information from the  
140 Internet.



141 (d) After a person has received a written request from  
142 a judicial officer, that person shall ensure that the judicial  
143 officer's and his or her immediate family member's personal  
144 information is not made available on any website or subsidiary  
145 website controlled by that person.

146 (e) After receiving a written request from a judicial  
147 officer, no person shall transfer the judicial officer's or  
148 his or her immediate family's personal information to any  
149 other person.

150 (f) (1) If a person fails to comply with a written  
151 request to refrain from disclosing personal information, the  
152 judicial officer may bring an action seeking injunctive or  
153 declaratory relief in any court of competent jurisdiction.

154 (2) If the court grants injunctive or declaratory  
155 relief, the person responsible for the violation shall be  
156 required to pay the judicial officer's court costs and  
157 reasonable attorney's fees.

158                   Section 5. (a) It shall be unlawful for a data broker  
159                   to knowingly sell, license, trade for consideration, or  
160                   purchase the personal information of a judicial officer or his  
161                   or her immediate family.

162 (b) (1) If a data broker violates this section, the  
163 judicial officer may bring an action seeking injunctive or  
164 declaratory relief in any court of competent jurisdiction.

165 (2) If the court grants injunctive or declaratory  
166 relief, the data broker responsible for the violation shall be  
167 required to pay the judicial officer's court costs and  
168 reasonable attorney's fees.



169           Section 6. (a) No government agency or person shall be  
170        found to have violated any provision of this act if the  
171        judicial officer fails to submit a written request calling for  
172        the protection of his or her personal information.

173           (b) A written request shall be valid if the judicial  
174        officer satisfies either of the following:

175           (1) Sends a written request directly to a government  
176        agency or person.

177           (2) Sends a request to the Administrative Office of  
178        Courts on a form developed and maintained by the Alabama  
179        Administrative Office of Courts. The Alabama Administrative  
180        Office of Courts shall use that form to notify government  
181        agencies of a judicial officer's request to remove his or her  
182        personal information and his or her immediate family. Every  
183        three months, the Alabama Administrative Office of Courts  
184        shall provide a list to the appropriate officer with  
185        supervisory authority for a government agency of all judicial  
186        officers who have submitted a written request to it. The  
187        officer shall promptly provide a copy of the list to all  
188        government agencies under his or her supervision. Receipt of  
189        the written request list compiled by the Alabama  
190        Administrative Office of Courts by a government agency shall  
191        constitute a written request to that agency for the purposes  
192        of this act.

193           (c) A representative from the judicial officer's  
194        employer may submit a written request on the judicial  
195        officer's behalf if the judicial officer gives written consent  
196        to the representative and the representative agrees to furnish



197 a copy of that consent when a written request is made. The  
198 representative shall submit the written request as provided in  
199 subsection (b).

200 (d) A judicial officer's written request shall specify  
201 all of the following:

202 (1) What personal information shall be kept private.

203 (2) The identity of the officer's immediate family and  
204 indicate that the personal information of these family members  
205 shall also be excluded to the extent that it could reasonably  
206 be expected to reveal the personal information of the judicial  
207 officer.

208 (3) If a judicial officer wishes to identify a  
209 secondary residence or an investment property as a home  
210 address, the designation shall be made in the written request.

211 (e) A judicial officer's written request is valid until  
212 the judicial officer provides the government agency,  
213 individual, business, or association with written permission  
214 to release private information. A judicial officer's written  
215 request expires on his or her death.

216 Section 7. (a) It is unlawful for a person to knowingly  
217 publicly post on the Internet the personal information of a  
218 judicial officer or the judicial officer's immediate family if  
219 the individual knows or should have known that publicly  
220 posting the personal information poses an imminent and serious  
221 threat to the health and safety of the judicial officer or the  
222 judicial officer's immediate family, and the violation is a  
223 proximate cause of bodily injury or death of the judicial  
224 officer or a member of the judicial officer's immediate



225 family.

226 (b) A violation of this section is a Class C felony.

227 Section 8. Provided that the employee of a government  
228 agency has complied with the conditions set forth in Sections  
229 3 through 6, it is not a violation of this act if an employee  
230 of a government agency publishes personal information, in good  
231 faith, on the website of the government agency in the ordinary  
232 course of carrying out public functions.

233 Section 9. Although this bill would have as its purpose  
234 or effect the requirement of a new or increased expenditure of  
235 local funds, the bill is excluded from further requirements  
236 and application under Section 111.05 of the Constitution of  
237 Alabama of 2022, because the bill defines a new crime or  
238 amends the definition of an existing crime.

239 Section 10. This act shall become effective on the  
240 first day of the third month following its passage and  
241 approval by the Governor, or its otherwise becoming law.



242  
243  
244 Senate

245 Read for the first time and referred ..... 16-May-23  
246 to the Senate committee on Judiciary  
247  
248 Read for the second time and placed ..... 24-May-23  
249 on the calendar:  
250 0 amendments  
251  
252 Read for the third time and passed ..... 25-May-23  
253 as amended  
254 Yeas 30  
255 Nays 0  
256 Abstains 0  
257  
258  
259 Patrick Harris,  
260 Secretary.  
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