1 HB355

2 V7JCDPL-1

3 By Representatives , Clouse, Rehm, Sorrells (N & P)

4 RFD: Local Legislation

5 First Read: 29-Jan-26

A BILL

TO BE ENTITLED

AN ACT

Relating to Houston County; to amend Section 45-35-83.83, Code of Alabama 1975; to extend the length of time a temporary judge of probate may serve; and to revise the compensation of a temporary judge of probate.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-35-83.83, Code of Alabama 1975, is amended to read as follows:

"§45-35-83.83

(a) The Judge of Probate of Houston County may appoint from the qualified electors of Houston County one or more temporary judges of probate to serve contemporaneously with him or her when the elected judge of probate finds that the temporary appointments are necessary due to calendar congestion, complexity of issues, the prospects of an unduly long trial, or caseload management.

(b) No temporary appointment shall be for a term longer than ~~90~~180 days.

(c) A temporary judge of probate may be appointed for as many successive ~~90~~180-day periods or fractions thereof as might be necessary, but a temporary judge of probate shall not

~~serve~~preside over hearings on more than 200 days during any fiscal year.

(d) Any qualified employee of the court who is licensed to practice law in the state is eligible for an appointment as a temporary judge of probate.

(e) All temporary judges of probate shall have the jurisdiction and authority and shall discharge the duties of the judge or probate, and the judgments, orders, and decrees made or rendered by any temporary judge of probate shall be entered on the records of the probate court and shall have the force and effect and be subject to revision or appeal or other revisory remedy of judgments, orders, and decrees of the probate court or of the judge of probate.

(f) Neither the regularly elected judge of probate, nor the surety on his or her bond, shall be responsible for any of the acts, failures to act, reports, or decisions made by any temporary judge of probate, or any of the acts or failures to act of any employee in the probate court during the tenure of the temporary judge of probate.

(g) Compensation for temporary judges of probate shall be ~~fifty~~one hundred dollars ~~($50)~~($100) per hearing to be paid from the discretionary fund of the judge of probate, unless the temporary judge of probate is an employee of the court, in which case the employee shall not receive any compensation under the pay plan established by the rules of the Houston County Personnel Board.

Section 2. This act shall become effective on October 1, 2026.