

1 HB529
2 199613-5
3 By Representatives Faulkner, Fridy, Hill and Jones (M)
4 RFD: Judiciary
5 First Read: 30-APR-19

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Sections 12-11-1 and 12-12-1, Code of
9 Alabama 1975, relating to the qualifications for serving as a
10 circuit court judge or a district court judge; to further
11 provide for the minimum times of state licensure to practice
12 law; and to prohibit persons with certain professional
13 disciplinary actions from qualification.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 12-11-1 and 12-12-1, Code of
16 Alabama 1975, are amended to read as follows:

17 "§12-11-1.

18 "(a) There is provided in every county in the state
19 a circuit court with all the jurisdiction and powers that are
20 conferred on the circuit court by the Constitution and laws of
21 this state.

22 "(b) Persons elected to or appointed to a circuit
23 court judgeship ~~after January 1, 2010,~~ must have been licensed
24 ~~by the Alabama State Bar Association~~ admitted to practice law
25 in this state a combined total of ~~five~~ 10 years or more, or
26 admitted to practice law by any other state ~~bar association~~
27 for a combined total of ~~five~~ 10 years or more, prior to

1 beginning a term of office or appointment to serve a vacant
2 term of office. In addition, the person must not have received
3 from any state or state bar association a suspension or
4 disbarment within the 10 years preceding election or
5 appointment.

6 "§12-12-1.

7 "(a) The district court of Alabama, a trial court of
8 limited jurisdiction, is created and established, effective
9 January 16, 1977, and shall be subdivided according to
10 districts and styled the district court of the county. Persons
11 elected or appointed to a district court judgeship ~~after~~
12 ~~January 1, 2010, must have been licensed by the Alabama State~~
13 ~~Bar Association admitted to practice law in this state a~~
14 ~~combined total of three five years or more, or admitted to~~
15 ~~practice law by any other state bar association for a combined~~
16 ~~total of three five years or more, prior to beginning a term~~
17 ~~of office or appointment to serve a vacant term of office. In~~
18 ~~addition Bar Association a combined total of three years or~~
19 ~~more,~~ must possess the following qualifications:

20 "(1) In counties with a population of up to 50,000
21 according to the most recent federal decennial census, a
22 person must have been admitted to practice law in this state
23 or by any other state bar association for a combined total of
24 three years or more, prior to beginning a term of office or
25 appointment to serve a vacant term of office.

26 "(2) In counties with a population of 50,000 or more
27 according to the most recent federal decennial census, a

1 person must have been admitted to practice law in this state
2 or by any other state bar association for a combined total of
3 five years or more, prior to beginning a term of office or
4 appointment to serve a vacant term of office.

5 (3) In all counties, the person must not have
6 received from any ~~state or~~ state bar association a suspension
7 or disbarment within the 10 years preceding election or
8 appointment.

9 "(b) Sessions of the district court shall be held in
10 each county seat, each municipality containing a population of
11 1,000 or more where no municipal court exists, to be
12 restricted to municipal cases, and at other locations within
13 counties in which geographical venue, as described in Section
14 12-12-36, lies in more than one place.

15 "(c) (1) All courts which are not authorized by
16 Article 6 of the Constitution shall retain their power through
17 January 15, 1977, at which time they shall be abolished.
18 Judgments of courts which cease to exist at the end of that
19 day shall continue in effect, and the courts of the unified
20 system are vested with jurisdiction to enforce such judgments.

21 "(2) All cases then pending in courts which cease to
22 exist shall be transferred to the appropriate district or
23 circuit court. Cases which could be filed in district court
24 under the provisions of this chapter shall be transferred to
25 the district court; provided, that any case containing a
26 demand for a jury trial filed before January 15, 1977, which

1 could have been granted in the court where filed, shall be
2 transferred to the appropriate circuit court."

3 Section 2. The increase in the number of years a
4 person must have been admitted to practice law as provided by
5 this act shall not apply to any district or circuit court
6 judge currently serving upon the effective date of this act.

7 Section 3. The increase in the number of years a
8 person must have been admitted to practice law as provided by
9 this act shall not apply to any judicial circuit with a
10 population of less than 70,000 according to the most recent
11 federal decennial census.

12 Section 4. This act shall become effective January
13 1, 2020, following its passage and approval by the Governor,
14 or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 30-APR-19

Read for the second time and placed
on the calendar..... 08-MAY-19

Read for the third time and passed
as amended..... 15-MAY-19

Yeas 80, Nays 13, Abstains 6

Jeff Woodard
Clerk