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3 SB28 HOUSE JUDICIARY COMMITTEE ENGROSSED SUBSTITTUE  
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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 To amend Sections 12-2-1, 12-3-1, 12-11-1, and  
14 12-12-1, Code of Alabama 1975, relating to the qualifications  
15 of persons serving as Justices on the Supreme Court, Court of  
16 Civil Appeals, and Court of Criminal Appeals, and as circuit  
17 court judges and district court judges; to provide further for  
18 minimum times of licensure to practice law as a qualification  
19 of office.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 12-2-1, 12-3-1, 12-11-1, and  
22 12-12-1, Code of Alabama 1975, are amended to read as follows:

23 "§12-2-1.

24 "(a) The Supreme Court, except as otherwise  
25 provided, shall consist of a chief justice and eight associate  
26 justices, who shall be elected by the qualified electors of  
27 the state at the general elections as provided by law for the

1 election of members of the House of Representatives in  
2 Congress and who shall hold their offices for the term of six  
3 years from the first Monday after the second Tuesday in  
4 January next succeeding their election and until their  
5 successors are elected and qualified. Subject to the  
6 provisions of the Constitution respecting filling of vacancies  
7 in judicial offices, members of the Supreme Court shall be  
8 elected as follows: The Chief Justice and three associate  
9 justices shall be elected at the general election in November,  
10 1976, two associate justices shall be elected at the general  
11 election in November, 1978, and three associate justices shall  
12 be elected at the general election in November, 1980.  
13 Thereafter members of the Supreme Court shall be elected in  
14 the general election next preceding the expiration of the  
15 respective term for which the incumbent holds office.

16 "(b) Persons elected to the Supreme Court, or  
17 appointed to fill a vacant term of office on the Supreme  
18 Court, after January 1, ~~2009~~ 2010, must have been licensed by  
19 the Alabama State Bar Association a combined total of 10 years  
20 or more, or by any other state bar association for a combined  
21 total of 10 years or more, prior to beginning a term of office  
22 or appointment to serve a vacant term of office.

23 "§12-3-1.

24 "A Court of Criminal Appeals and a Court of Civil  
25 Appeals, each composed of five judges, possessing the  
26 qualifications of the supreme court justices, including, but

1 not limited to, the qualifications provided in subsection (b)  
2 of Section 12-2-1, are hereby created and established.

3 "§12-11-1.

4 "(a) There is provided in every county in the state  
5 a circuit court with all the jurisdiction and powers that are  
6 conferred on the circuit court by the Constitution and laws of  
7 this state.

8 "(b) Persons elected to or appointed to a circuit  
9 court judgeship after January 1, ~~2009~~ 2010, must have been  
10 licensed by the Alabama State Bar Association a combined total  
11 of five years or more, or by any other state bar association  
12 for a combined total of five years or more, prior to beginning  
13 a term of office or appointment to serve a vacant term of  
14 office.

15 "§12-12-1.

16 "(a) The district court of Alabama, a trial court of  
17 limited jurisdiction, is created and established, effective  
18 January 16, 1977, and shall be subdivided according to  
19 districts and styled the district court of the county. Persons  
20 elected or appointed to a district court judgeship after  
21 January 1, ~~2009~~ 2010, must have been licensed by the Alabama  
22 State Bar Association a combined total of three years or more,  
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 "(b) Sessions of the district court shall be held in  
27 each county seat, each municipality containing a population of

1 1,000 or more where no municipal court exists, to be  
2 restricted to municipal cases, and at other locations within  
3 counties in which geographical venue, as described in Section  
4 12-12-36, lies in more than one place.

5 "(c) All courts which are not authorized by Article  
6 of the Constitution shall retain their power through January  
7 15, 1977, at which time they shall be abolished. Judgments of  
8 courts which cease to exist at the end of that day shall  
9 continue in effect, and the courts of the unified system are  
10 vested with jurisdiction to enforce such judgments.

11 "All cases then pending in courts which cease to  
12 exist shall be transferred to the appropriate district or  
13 circuit court. Cases which could be filed in district court  
14 under the provisions of this chapter shall be transferred to  
15 the district court; provided, that any case containing a  
16 demand for a jury trial filed before January 15, 1977, which  
17 could have been granted in the court where filed, shall be  
18 transferred to the appropriate circuit court."

19 ~~Section 2. This act shall not apply to any person~~  
20 ~~elected at any election in 2008.~~

21 Section 3. This act shall become effective January  
22 1, ~~2009~~ 2010, following its passage and approval by the  
23 Governor, or its otherwise becoming law.