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SYNOPSIS:

This bill creates the Judicial Privacy Act.

This bill would prohibit government agencies, individuals, businesses, and associations from publicly posting or displaying judge's or justice's personal information on the Internet, provided they have received a written request from the judge or justice to refrain from doing so.

This bill would prohibit commercial data collectors from knowingly selling, trading, licensing, transferring, or purchasing judges' personally identifiable information.

This bill would provide for a process for judges and justices to request their personal information not be made public.

This bill would also provide for penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or



29 provides a local source of revenue, to the entity for
30 the purpose.

31 The purpose or effect of this bill would be to
32 require a new or increased expenditure of local funds
33 within the meaning of the amendment. However, the bill
34 does not require approval of a local governmental
35 entity or enactment by a 2/3 vote to become effective
36 because it comes within one of the specified exceptions
37 contained in the amendment.

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39

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A BILL

41

TO BE ENTITLED

42

AN ACT

43

44 Relating to judges and justices; to prohibit government
45 agencies, individuals, businesses, and associations from
46 publicly posting or displaying judge's or justice's personal
47 information on the Internet, provided they have received a
48 written request from the judge or justice to refrain from
49 doing so; to prohibit commercial data collectors from
50 knowingly selling, trading, licensing, transferring, or
51 purchasing judges' personal information; to provide for a
52 process for a judge or justice to request their personal
53 information not be made public; to provide for penalties for
54 violations; and in connection therewith would have as its
55 purpose or effect the requirement of a new or increased
56 expenditure of local funds within the meaning of Section



57 111.05 of the Constitution of Alabama of 2022.

58 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

61 Section 2. As used in this act, the following terms
62 have the following meanings:

63 (1) DATA BROKER.

64 a. A commercial entity engaged in collecting,
65 assembling, or maintaining personal information concerning an
66 individual who is not a customer, client, or an employee of
67 that entity in order to sell the information or otherwise
68 profit from providing third-party access to the information.

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

71 1. Reporting, news-gathering by a news-gathering
72 organization, speaking, or other activities intended to inform
73 the public on matters of public interest or concern. For the
74 purpose of this subdivision, a "news-gathering organization"
75 means any of the following:

76 (i) A newspaper, news publication, or news source,
77 printed or on an online platform, of current news and public
78 interest.

79 (ii) A radio broadcast station, television broadcast
80 station, or cable television operator.

81 2. Providing 411 directory assistance or directory
82 information services, including name, address, and telephone
83 number, on behalf of or as a function of a telecommunications
84 carrier.



85 3. Providing publicly available content via real-time
86 or near-real-time alert services for health or safety
87 purposes.

88 (2) GOVERNMENT AGENCY. An executive, legislative, or
89 judicial agency, department, board, commission, authority,
90 institution, or instrumentality of the federal government or
91 of a state or of a county, municipality, or other political
92 subdivision of a state.

93 (3) IMMEDIATE FAMILY. A judicial officer's spouse,
94 child, parent, or any other relative of the judicial officer
95 or the judicial officer's spouse who lives in the same
96 residence.

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

- 99 a. Judge of the United States Circuit Court.
- 100 b. Judge of the United States District Court.
- 101 c. Judge of the United States Bankruptcy Court.
- 102 d. Justice the Alabama Supreme Court.
- 103 e. Judge of the Alabama Court of Criminal Appeals.
- 104 f. Judge of the Alabama Court of Civil Appeals.
- 105 g. Judge of an Alabama Circuit Court.
- 106 h. Judge of an Alabama District Court.
- 107 i. Judge of an Alabama Probate Court.
- 108 j. Judge of an Alabama Municipal Court.

109 (5) PERSON. Includes an individual, business, or
110 association.

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



113 a. Home address, including primary residence, secondary
114 residences, or an investment property.

115 b. Phone number, including a home number, a personal
116 cell number, a state-issued cell phone number, or a private
117 extension in the chambers of a judicial officer.

118 c. Personal email address.

119 d. Social Security number.

120 e. Date of birth.

121 f. Driver license number.

122 g. Bank account information.

123 h. Credit or debit card information.

124 i. License plate number.

125 j. Name or address of a school or day care facility
126 attended by the judicial officer's immediate family.

127 k. A photograph of any vehicle that legibly displays
128 the license plate of the judicial officer.

129 l. A photograph of a residence of the judicial officer
130 that legibly displays the address of the residence.

131 m. Name or address of an employer of the judicial
132 officer's immediate family.

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

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



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

145 (d) If a government agency fails to comply with a
146 written request to refrain from posting or displaying personal
147 information publicly on a website, the judicial officer may
148 bring an action seeking injunctive or declaratory relief in
149 any court of competent jurisdiction.

150 Section 4. (a) A person shall not publicly post or
151 display on the Internet the personal information of a judicial
152 officer or his or her immediate family, provided the judicial
153 officer has made a written request to the individual,
154 business, or association that it refrain from disclosing the
155 judicial officer's or his or her immediate family's personal
156 information in accordance with Section 6.

157 (b) Subsection (a) shall not apply to any of the
158 following:

159 (1) The display on the Internet of personal information
160 of a judicial officer or the immediate family if the
161 information is relevant to and displayed as part of a news
162 story, commentary, editorial, or other speech on a matter of
163 public concern.

164 (2) Personal information that a judicial officer
165 voluntarily publishes on the Internet.

166 (3) Personal information received from a federal or
167 state government source, or from an employee or agent of the
168 state or federal government.



169 (c) After a person has received a written request from
170 a judicial officer to protect the privacy of the personal
171 information of the judicial officer and his or her immediate
172 family, the person shall have 72 hours after the receipt of
173 such request to remove the personal information from the
174 Internet.

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

180 (e) After receiving a written request from a judicial
181 officer, no person shall transfer the judicial officer's or
182 his or her immediate family's personal information to any
183 other person.

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

188 (2) If the court grants injunctive or declaratory
189 relief, the person responsible for the violation shall be
190 required to pay the judicial officer's court costs and
191 reasonable attorney's fees.

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

196 (b) (1) If a data broker violates this section, the



197 judicial officer may bring an action seeking injunctive or
198 declaratory relief in any court of competent jurisdiction.

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

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

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

209 (1) Sends a written request directly to a government
210 agency or person.

211 (2) Sends a request to the Administrative Office of
212 Courts on a form developed and maintained by the Alabama
213 Administrative Office of Courts. The Alabama Administrative
214 Office of Courts shall use that form to notify government
215 agencies of a judicial officer's request to remove his or her
216 personal information and his or her immediate family. Every
217 three months, the Alabama Administrative Office of Courts
218 shall provide a list to the appropriate officer with
219 supervisory authority for a government agency of all judicial
220 officers who have submitted a written request to it. The
221 officer shall promptly provide a copy of the list to all
222 government agencies under his or her supervision. Receipt of
223 the written request list compiled by the Alabama
224 Administrative Office of Courts by a government agency shall



225 constitute a written request to that agency for the purposes
226 of this act.

227 (c) A representative from the judicial officer's
228 employer may submit a written request on the judicial
229 officer's behalf if the judicial officer gives written consent
230 to the representative and the representative agrees to furnish
231 a copy of that consent when a written request is made. The
232 representative shall submit the written request as provided in
233 subsection (b).

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

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

237 (2) The identity of the officer's immediate family and
238 indicate that the personal information of these family members
239 shall also be excluded to the extent that it could reasonably
240 be expected to reveal the personal information of the judicial
241 officer.

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

245 (e) A judicial officer's written request is valid until
246 the judicial officer provides the government agency,
247 individual, business, or association with written permission
248 to release private information. A judicial officer's written
249 request expires on his or her death.

250 Section 7. (a) It is unlawful for a person to knowingly
251 publicly post on the Internet the personal information of a
252 judicial officer or the judicial officer's immediate family if



253 the individual knows or should have known that publicly
254 posting the personal information poses an imminent and serious
255 threat to the health and safety of the judicial officer or the
256 judicial officer's immediate family, and the violation is a
257 proximate cause of bodily injury or death of the judicial
258 officer or a member of the judicial officer's immediate
259 family.

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

261 Section 8. Provided that the employee of a government
262 agency has complied with the conditions set forth in Sections
263 3 through 6, it is not a violation of this act if an employee
264 of a government agency publishes personal information, in good
265 faith, on the website of the government agency in the ordinary
266 course of carrying out public functions.

267 Section 9. Although this bill would have as its purpose
268 or effect the requirement of a new or increased expenditure of
269 local funds, the bill is excluded from further requirements
270 and application under Section 111.05 of the Constitution of
271 Alabama of 2022, because the bill defines a new crime or
272 amends the definition of an existing crime.

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