

HB400 INTRODUCED



1 HB400
2 KLS8AA5-1
3 By Representative Ingram (Constitutional Amendment)
4 RFD: Ways and Means General Fund
5 First Read: 02-Apr-24



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SYNOPSIS:

The Constitution of Alabama of 2022, provides that the salary, fees, or other compensation received by a district attorney during his or her term may not be increased.

This bill would propose an amendment to the Constitution of Alabama of 2022, to provide that the salary, fees, or other compensation received by a district attorney may be increased during his or her term.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Section 160 of the Constitution of Alabama of 2022, relating to the salary, fees, and other compensation received by a district attorney during his or her term of office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 160 of the Constitution of Alabama of 2022, is



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29 amended to read as follows:

30 "Section 160

31 (a) A district attorney for each judicial circuit shall
32 be elected by the qualified electors of those counties in ~~such~~
33 the circuit. ~~Such~~ The district attorney shall be licensed to
34 practice law in this state and ~~shall~~, at the time of his or
35 her election and during his or her continuance in office,
36 shall reside in his or her circuit. ~~His~~ The term of office
37 shall be for six years ~~and he~~. He or she shall receive ~~such~~
38 compensation as provided by law; provided, the compensation
39 shall not be diminished during his or her official term but
40 may be increased. Vacancies in the office of district attorney
41 and in his or her staff shall be filled as provided by law.

42 (b) Clerks of the circuit courts shall be elected by
43 the qualified electors in each county for a term of six years.
44 If the office of register in chancery continues to be provided
45 by law then the clerk of the circuit court may also fill ~~such~~
46 the office in a manner prescribed by law. Vacancies in the
47 office of clerk of the circuit court shall be filled by the
48 judge or judges of the circuit court who have jurisdiction
49 over the county in which the office of clerk of the circuit
50 court is located.

51 (c) Persons elected to the position of constable to
52 assist the courts of the state as provided by law shall be
53 subject to the same restrictions, rights, and limitations as
54 are specified in ~~section~~ Section 280 of the Constitution of
55 ~~1901~~ Alabama of 2022, and no law shall prohibit the receipt of
56 fees for the performance of official duties of ~~said~~ the



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57 position while holding any other elected or appointed office.

58 (d) The revenue from fines, forfeitures, and court
59 costs produced in district courts from the exercise of
60 jurisdiction under municipal ordinances shall be apportioned
61 between the municipality and the state as shall be provided by
62 law."

63 Upon ratification of this constitutional amendment, the
64 Code Commissioner shall number and place this amendment as
65 appropriate in the constitution omitting this instructional
66 paragraph and may make the following nonsubstantive revisions:
67 change capitalization, hierarchy, spelling, and punctuation
68 for purposes of style and uniformity; correct manifest
69 grammatical, clerical, and typographical errors; revise
70 internal or external citations and cross-references; harmonize
71 language; and translate effective dates.

END OF PROPOSED AMENDMENT

73 Section 2. An election upon the proposed amendment
74 shall be held in accordance with Sections 284 and 285 of the
75 Constitution of Alabama of 2022, and the election laws of this
76 state. The appropriate election official shall assign a ballot
77 number for the proposed constitutional amendment on the
78 election ballot and shall set forth the following description
79 of the substance or subject matter of the proposed
80 constitutional amendment:

81 "Proposing an amendment to the Constitution of Alabama
82 of 2022, to provide that the salary of a district attorney may
83 not be diminished but may be increased during his or her term
84 of office.



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85 Proposed by Act ____."

86 This description shall be followed by the following
87 language:

88 "Yes() No()."

89 Section 3. The proposed amendment shall become valid as
90 a part of the Constitution of Alabama of 2022, when approved
91 by a majority of the qualified electors voting thereon.

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