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SYNOPSIS: Under existing law, a judicial officer with jurisdiction is exempt from civil liability while acting within his or her jurisdiction and in a judicial capacity unless he or she acts in the clear absence of all jurisdiction actions.

This bill would provide that a judicial officer would not be immune from civil liability in his or her personal capacity when the Constitution or laws of the United States, or the constitution of this state, or laws, rules, or regulations of this state enacted or promulgated for the purpose of regulating the activities of a governmental agency require otherwise; or when the judicial officer acts willfully, maliciously, fraudulently, in bad faith, or beyond his or her authority.

A BILL
TO BE ENTITLED
AN ACT

Relating to judicial immunity; to provide that a judicial officer would not be immune from civil liability in

1 his or her personal capacity when the Constitution or laws of
2 the United States, or the constitution of this state, or laws,
3 rules, or regulations of this state enacted or promulgated for
4 the purpose of regulating the activities of a governmental
5 agency require otherwise; or when the judicial officer acts
6 willfully, maliciously, fraudulently, in bad faith, or beyond
7 his or her authority.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. (a) For the purpose of this section the
10 term "judicial officer" means a person authorized by the
11 state, a municipality, or a county with the responsibilities
12 and powers to facilitate, arbitrate, preside over, and make
13 decisions and directions in regard to the application of the
14 law.

15 (b) Notwithstanding any provision of law, a judicial
16 officer is not immune from civil liability in his or her
17 personal capacity when the constitution or laws of the United
18 States, or the constitution, laws, or rules of this state
19 enacted or promulgated for the purpose of regulating the
20 activities of the judicial officer require otherwise; or when
21 the judicial officer acts willfully, maliciously,
22 fraudulently, in bad faith, or beyond his or her authority.

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.