

1 HB350
2 127396-1
3 By Representatives Boman, Long and Johnson (W)
4 RFD: Judiciary
5 First Read: 29-MAR-11

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8 SYNOPSIS: Under existing law, a circuit or district
9 court may punish a person for contempt by fining
10 the person in contempt up to \$100, by imprisonment
11 not exceeding five days, or both.

12 This bill would provide that circuit courts
13 may hold in contempt a person who violates an order
14 of the court to pay child support. This bill would
15 authorize the court to fine such a person, order
16 imprisonment not exceeding 15 days, or both. This
17 bill would provide that the punishment provisions
18 for contempt apply in district and juvenile courts.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 12-11-30, Code of Alabama 1975; to
25 provide that a circuit court may punish a person for contempt
26 of court in cases in which a person violates a court order by
27 failing to pay child support by fining the person in contempt,

1 by imprisonment, or both; and to provide that the punishment
2 provisions for contempt apply in district and juvenile courts.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 12-11-30, Code of Alabama 1975,
5 is amended to read as follows:

6 "§12-11-30.

7 "(1) CIVIL. The circuit court shall have exclusive
8 original jurisdiction of all civil actions in which the matter
9 in controversy exceeds ten thousand dollars (\$10,000),
10 exclusive of interest and costs, and shall exercise original
11 jurisdiction concurrent with the district court in all civil
12 actions in which the matter in controversy exceeds three
13 thousand dollars (\$3,000), exclusive of interest and costs.

14 "(2) CRIMINAL. The circuit court shall have
15 exclusive original jurisdiction of all felony prosecutions and
16 of misdemeanor or ordinance violations which are lesser
17 included offenses within a felony charge or which arise from
18 the same incident as a felony charge; except, that the
19 district court shall have concurrent jurisdiction with the
20 circuit court to receive pleas of guilty in felony cases not
21 punishable by sentence of death. The circuit court may, on
22 conviction of a defendant, upon a showing of inability to make
23 immediate payment of fine and costs, continue the case from
24 time to time to permit the fine and costs to be paid.

25 "(3) APPELLATE. The circuit court shall have
26 appellate jurisdiction of civil, criminal, and juvenile cases
27 in district court and prosecutions for ordinance violations in

1 municipal courts, except in cases in which direct appeal to
2 the Courts of Civil or Criminal Appeals is provided by law or
3 rule. Appeals to the circuit court shall be tried de novo,
4 with or without a jury, as provided by law.

5 "(4) SUPERINTENDENCE OF DISTRICT, MUNICIPAL AND
6 PROBATE COURTS. The circuit court shall exercise a general
7 superintendence over all district courts, municipal courts,
8 and probate courts.

9 "(5) CONTEMPTS. The circuit court may punish
10 contempts by fines not exceeding one hundred dollars (\$100)
11 and by imprisonment not exceeding five days. In a case in
12 which a person violates an order of the circuit court by
13 failing to pay child support, the circuit court may punish the
14 person for contempt by imposing a fine not to exceed one
15 hundred dollars (\$100), by imprisonment not exceeding 15 days,
16 or both. The power of the circuit court to enforce its orders
17 and ~~judgements~~ judgments by determinations of civil contempt
18 shall be unaffected by this section.

19 "(6) GENERAL. The circuit court shall have other
20 powers as provided by law."

21 Section 2. The punishment provisions for contempt in
22 circuit courts in Section 12-11-30, Code of Alabama 1975,
23 shall apply in district courts pursuant to Section 12-12-6,
24 Code of Alabama 1975, and in juvenile courts pursuant to
25 Section 12-15-110, Code of Alabama 1975.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.