

1 SB311
2 127396-4
3 By Senator Irons
4 RFD: Judiciary
5 First Read: 31-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 12-11-30, Code of Alabama 1975; to
12 provide that a circuit court may punish a person for contempt
13 of court in cases in which a person violates a court order by
14 failing to pay child support by fining the person in contempt,
15 by imprisonment, or both; and to provide that the punishment
16 provisions for contempt apply in district and juvenile courts.
17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

20 "§12-11-30.

21 "(1) CIVIL. The circuit court shall have exclusive
22 original jurisdiction of all civil actions in which the matter
23 in controversy exceeds ten thousand dollars (\$10,000),
24 exclusive of interest and costs, and shall exercise original
25 jurisdiction concurrent with the district court in all civil
26 actions in which the matter in controversy exceeds three
27 thousand dollars (\$3,000), exclusive of interest and costs.

1 "(2) CRIMINAL. The circuit court shall have
2 exclusive original jurisdiction of all felony prosecutions and
3 of misdemeanor or ordinance violations which are lesser
4 included offenses within a felony charge or which arise from
5 the same incident as a felony charge; except, that the
6 district court shall have concurrent jurisdiction with the
7 circuit court to receive pleas of guilty in felony cases not
8 punishable by sentence of death. The circuit court may, on
9 conviction of a defendant, upon a showing of inability to make
10 immediate payment of fine and costs, continue the case from
11 time to time to permit the fine and costs to be paid.

12 "(3) APPELLATE. The circuit court shall have
13 appellate jurisdiction of civil, criminal, and juvenile cases
14 in district court and prosecutions for ordinance violations in
15 municipal courts, except in cases in which direct appeal to
16 the Courts of Civil or Criminal Appeals is provided by law or
17 rule. Appeals to the circuit court shall be tried de novo,
18 with or without a jury, as provided by law.

19 "(4) SUPERINTENDENCE OF DISTRICT, MUNICIPAL AND
20 PROBATE COURTS. The circuit court shall exercise a general
21 superintendence over all district courts, municipal courts,
22 and probate courts.

23 "(5) CONTEMPTS. The circuit court may punish
24 contempts by fines not exceeding one hundred dollars (\$100)
25 and by imprisonment not exceeding five days. In a case in
26 which a person violates an order of the circuit court by
27 failing to pay child support, for the first offense, the

1 circuit court may punish the person for contempt by imposing a
2 fine not to exceed one hundred dollars (\$100), by imprisonment
3 not exceeding five days, or both, and for a subsequent
4 offense, the court may impose a fine not to exceed one hundred
5 dollars (\$100), by imprisonment not exceeding 15 days, or
6 both. The power of the circuit court to enforce its orders and
7 ~~judgements~~ judgments by determinations of civil contempt shall
8 be unaffected by this section.

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

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

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 31-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 21-APR-11

Read for the third time and passed as amended 25-MAY-11

Yeas 25
Nays 2

Patrick Harris
Secretary