

1 HB201
2 134760-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, the district court has
9 jurisdiction over cases where the amount in
10 controversy is \$10,000 or less, and the circuit
11 court has jurisdiction over cases where the amount
12 in controversy exceeds \$10,000.

13 Under existing law, the small claims
14 division of the district court has jurisdiction
15 over cases where the amount in controversy does not
16 exceed \$3,000.

17 This bill would increase the jurisdiction of
18 the district court to cases where the amount in
19 controversy is \$25,000 or less and would provide
20 that the circuit court has jurisdiction over cases
21 where the amount in controversy exceeds \$25,000.

22 This bill would also raise the jurisdiction
23 of the small claims division of the district court
24 to cover all cases where the amount in controversy
25 is \$5,000 or less.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Sections 12-11-30, 12-12-30, 12-12-31,
5 12-19-71, and 12-19-72, Code of Alabama 1975; to provide
6 further for the jurisdiction of the circuit court, district
7 court, and the small claims division of the district court.
8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 12-11-30, 12-12-30, 12-12-31,
10 12-19-71, and 12-19-72, Code of Alabama 1975, are amended to
11 read as follows:

12 "§12-11-30.

13 "(1) CIVIL. The circuit court shall have exclusive
14 original jurisdiction of all civil actions in which the matter
15 in controversy exceeds ~~ten~~ twenty-five thousand dollars
16 ~~(\$10,000)~~ (\$25,000), exclusive of interest and costs, and
17 shall exercise original jurisdiction concurrent with the
18 district court in all civil actions in which the matter in
19 controversy exceeds ~~three~~ five thousand dollars ~~(\$3,000)~~
20 (\$5,000), exclusive of interest and costs.

21 "(2) CRIMINAL. The circuit court shall have
22 exclusive original jurisdiction of all felony prosecutions and
23 of misdemeanor or ordinance violations which are lesser
24 included offenses within a felony charge or which arise from
25 the same incident as a felony charge; except, that the
26 district court shall have concurrent jurisdiction with the
27 circuit court to receive pleas of guilty in felony cases not

1 punishable by sentence of death. The circuit court may, on
2 conviction of a defendant, upon a showing of inability to make
3 immediate payment of fine and costs, continue the case from
4 time to time to permit the fine and costs to be paid.

5 "(3) APPELLATE. The circuit court shall have
6 appellate jurisdiction of civil, criminal, and juvenile cases
7 in district court and prosecutions for ordinance violations in
8 municipal courts, except in cases in which direct appeal to
9 the Courts of Civil or Criminal Appeals is provided by law or
10 rule. Appeals to the circuit court shall be tried de novo,
11 with or without a jury, as provided by law.

12 "(4) SUPERINTENDENCE OF DISTRICT, MUNICIPAL AND
13 PROBATE COURTS. The circuit court shall exercise a general
14 superintendence over all district courts, municipal courts,
15 and probate courts.

16 "(5) CONTEMPTS. The circuit court may punish
17 contempts by fines not exceeding one hundred dollars (\$100)
18 and by imprisonment not exceeding five days. The power of the
19 circuit court to enforce its orders and judgements by
20 determinations of civil contempt shall be unaffected by this
21 section.

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

24 "§12-12-30.

25 "The original civil jurisdiction of the district
26 court of Alabama shall be uniform throughout the state,
27 concurrent with the circuit court, except as otherwise

1 provided, and shall include all civil actions in which the
2 matter in controversy does not exceed ~~ten~~ twenty-five thousand
3 dollars ~~(\$10,000)~~ (\$25,000), exclusive of interest and costs,
4 and civil actions based on unlawful detainer; except, that the
5 district court shall not exercise jurisdiction over any of the
6 following matters:

7 "(1) Actions seeking equitable relief other than:

8 "a. Equitable questions arising in juvenile cases
9 within the jurisdiction of the district court.

10 "b. Equitable defenses asserted or compulsory
11 counterclaims filed by any party in any civil action within
12 the jurisdiction of the district court.

13 "(2) Any actions enumerated in Rule 81 of the
14 Alabama Rules of Civil Procedure other than any of the
15 following:

16 "a. Actions based in negligence against
17 municipalities.

18 "b. Actions seeking substitution of lost or
19 destroyed records or instruments.

20 "c. Summary motion proceedings.

21 "d. Relieving disabilities of nonage.

22 "(3) Actions seeking declaratory judgments.

23 "(4) Appeals from probate or municipal courts.

24 "§12-12-31.

25 "(a) The district court shall exercise exclusive
26 jurisdiction over all civil actions in which the matter in
27 controversy, exclusive of interest and costs, does not exceed

1 ~~three~~ five thousand dollars ~~(\$3,000)~~ (\$5,000). These actions
2 shall be placed on a small claims docket by each district
3 court and shall be processed according to uniform rules of
4 simplified civil procedure as may be promulgated by the
5 Supreme Court.

6 "(b) A party, including an individual, partnership,
7 or corporation, may appear in cases on the small claims docket
8 of district court with or without representation by an
9 attorney. If a partnership appears without representation by
10 an attorney, the person representing the partnership shall be
11 a partner or employee of the partnership and if a corporation
12 appears without representation by an attorney, the person
13 representing the corporation shall be an officer or full-time
14 employee of the corporation.

15 "(c) No party shall seek or recover any judgment in
16 a case on the small claims docket which includes an award of
17 attorney fees unless the party is represented by a licensed
18 attorney.

19 "(d) No action shall be filed or prosecuted on the
20 small claims docket by an assignee of the claim which is the
21 subject matter of the action without being represented by a
22 licensed attorney; nor shall any person, firm or corporation,
23 excluding licensed attorneys, file or prosecute such an action
24 on behalf of the original owner of the claim.

25 "(e) No action may be filed or prosecuted on the
26 small claims docket by any individual whose license to
27 practice law, at the time of filing or prosecution, has been

1 revoked, suspended, or otherwise impaired for disciplinary
2 reasons by the Alabama Board of Bar Commissioners or the
3 Alabama Supreme Court.

4 "(f) Notwithstanding any other provision of law, the
5 docket fee for cases on the small claims docket in which the
6 matter in controversy exceeds one thousand five hundred
7 dollars (\$1,500) shall be the same as the docket fee set for
8 cases in the district court that are not small claims cases.

9 "§12-19-71.

10 "(a) The filing fees which shall be collected in
11 civil cases shall be:

12 "(1) Thirty-five dollars (\$35) for cases filed on
13 the small claims docket of the district court in which the
14 matter in controversy, exclusive of interest, costs, and
15 attorney fees, totals one thousand five hundred dollars
16 (\$1,500) or less; provided, however, if attorney fees have
17 been allowed by applicable state law or contract, the amount
18 of these fees shall be added to the amount of the matter in
19 controversy above in determining the jurisdictional amount.

20 "(2) One hundred nine dollars (\$109) for cases filed
21 on the small claims docket of the district court in which the
22 matter in controversy, exclusive of interest, costs, and
23 attorney fees, exceeds one thousand five hundred dollars
24 (\$1,500) but does not exceed ~~three~~ five thousand dollars
25 ~~(\$3,000)~~ (\$5,000); provided, however, if attorney fees have
26 been allowed by applicable state law or contract, the amount

1 of these fees shall be added to the amount of the matter in
2 controversy above in determining the jurisdictional amount.

3 "(3) One hundred ninety-eight dollars (\$198) for
4 cases otherwise filed in the district court in which the
5 matter in controversy, exclusive of interest, costs, and
6 attorney fees, exceeds ~~three~~ five thousand dollars ~~(\$3,000)~~
7 (\$5,000) but does not exceed ~~ten~~ twenty-five thousand dollars
8 ~~(\$10,000)~~ (\$25,000); provided, however, if attorney fees have
9 been allowed by applicable state law or contract, the amount
10 of these fees shall be added to the amount of the matter in
11 controversy above in determining the jurisdictional amount.

12 "(4) Two hundred ninety-seven dollars (\$297) for
13 cases filed in the circuit court other than cases filed on the
14 domestic relations docket of the circuit court.

15 Notwithstanding any other provision of law, the docket fee
16 shall be one hundred ninety-seven dollars (\$197) for civil
17 cases in circuit court in which the matter of controversy,
18 exclusive of interest, costs, and attorney fees does not
19 exceed fifty thousand dollars (\$50,000); provided, however, if
20 attorney fees have been allowed by applicable state law or
21 contract, the amount of these fees shall be added to the
22 amount of the matter in controversy above in determining the
23 jurisdictional amount. However, if any plaintiff files an
24 addendum to increase the damages requested to an amount that
25 exceeds fifty thousand dollars (\$50,000), or if the plaintiff
26 fails to specify the amount in the filing, then the fee shall

1 be two hundred ninety-seven dollars (\$297) and distributed as
2 provided for in subdivision (4) of Section 12-19-72.

3 "(5) One hundred forty-five dollars (\$145) for cases
4 filed on the domestic relations docket of the circuit court in
5 which the circuit clerk determines that the cases are
6 uncontested at the time of filing. A case is considered
7 uncontested if a complaint, an answer, and an agreement of the
8 parties is filed in the circuit court.

9 "(6) One hundred forty-five dollars (\$145) for cases
10 filed on the domestic relations docket of the circuit court in
11 which the circuit clerk determines that the cases are
12 contested at the time of filing.

13 "(7) Two hundred forty-eight dollars (\$248) for
14 cases filed in the domestic relations docket of the circuit
15 court seeking to modify or enforce an existing domestic
16 relations court order.

17 "(8) Two hundred ninety-seven dollars (\$297) for a
18 counterclaim, cross claim, third party complaint, a third
19 party motion, or an action for a declaratory judgment filed in
20 a civil action of the circuit court other than cases filed on
21 the domestic relations docket of the circuit court.

22 "(9) Two hundred ninety-seven dollars (\$297) on a
23 motion or complaint to appear as an intervenor or a third
24 party plaintiff in a civil action of the circuit court other
25 than cases filed on the domestic relations docket of the
26 circuit court.

1 "(10) Fifty dollars (\$50) on a dispositive motion
2 seeking (a) a judgment on the pleadings pursuant to Rule
3 12(c), Alabama Rules of Civil Procedure, (b) a default
4 judgment pursuant to Rule 55(b), Alabama Rules of Civil
5 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
6 Alabama Rules of Civil Procedure, and filed by any party in a
7 civil action of the district or circuit court, except for
8 small claims cases.

9 "(11) In addition to the filing fees provided in
10 subdivisions (1), (2), and (3), an additional fifty dollars
11 (\$50) shall be charged for each additional plaintiff in those
12 cases filed; provided, however, that regardless of the number
13 of additional plaintiffs, not more than five hundred dollars
14 (\$500) in total additional plaintiff filing fees shall be
15 charged in any one case filed. The court may remit any of the
16 additional fifty dollar (\$50) charges if any of the additional
17 plaintiffs provide proof to the court that such fees should
18 not be charged. Nothing in this subdivision shall be
19 interpreted as establishing a maximum number of plaintiffs.

20 "(12) In addition to the filing fees provided in
21 subdivision (4), an additional one hundred dollars (\$100)
22 shall be charged for each additional plaintiff in those cases
23 filed; provided, however, that regardless of the number of
24 additional plaintiffs, not more than one thousand dollars
25 (\$1,000) in total additional plaintiff filing fees shall be
26 charged in any one case filed. The court may remit any of the
27 additional one hundred dollar (\$100) charges if any of the

1 additional plaintiffs provide proof to the court that such
2 fees should not be charged. Nothing in this subdivision shall
3 be interpreted as establishing a maximum number of plaintiffs.

4 "(13) An additional one hundred dollars (\$100) to be
5 paid at the time the jury is demanded by any party demanding a
6 jury.

7 "(b) The fees provided in subdivisions (8) and (9)
8 shall be not charged to a plaintiff suing for loss of
9 consortium who is a spouse of a plaintiff listed in a case.

10 "(c) (1) Notwithstanding any other provision of Act
11 2004-636 to the contrary, there shall be no increase in the
12 filing fee for any workers' compensation case filed in circuit
13 court.

14 "(2) Notwithstanding any other provision of Act
15 2004-636 to the contrary, Act 2004-636 shall not affect any
16 local court filing fees established by local act unless
17 specifically provided for in Act 2004-636.

18 "(d) Nothing in Act 2004-636 shall limit a judge's
19 authority to allow a civil case to proceed at no cost to a
20 party upon the judge's approval of an affidavit of substantial
21 hardship.

22 "§12-19-72.

23 "The filing fees collected in civil cases shall be
24 distributed as follows:

25 "(1) For cases filed on the small claims docket of
26 the district court in which the matter in controversy,
27 exclusive of interest, costs, and attorney fees, totals one

1 thousand five hundred dollars (\$1,500) or less, seventeen
2 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars
3 (\$13) to the State General Fund; and five dollars (\$5) to the
4 county general fund.

5 "(2) For cases on the small claims docket of the
6 district court in which the matter in controversy, exclusive
7 of interest, costs, and attorney fees, exceeds one thousand
8 five hundred dollars (\$1,500) but does not exceed ~~three~~ five
9 thousand dollars ~~(\$3,000)~~ (\$5,000), twenty-one dollars (\$21)
10 to the Fair Trial Tax Fund; seventy-five dollars (\$75) to the
11 State General Fund; five dollars (\$5) to the Advanced
12 Technology and Data Exchange Fund; and eight dollars (\$8) to
13 the county general fund.

14 "(3) For other district court cases in which the
15 matter in controversy, exclusive of interest, costs, and
16 attorney fees, exceeds ~~three~~ five thousand dollars ~~(\$3,000)~~
17 (\$5,000) but does not exceed ~~ten~~ twenty-five thousand dollars
18 ~~(\$10,000)~~ (\$25,000), twenty-one dollars (\$21) to the Fair
19 Trial Tax Fund; one hundred fifty-nine dollars fifty cents
20 (\$159.50) to the State General Fund, eighty-four dollars fifty
21 cents (\$84.50) of which shall be for judicial and public
22 safety functions; five dollars (\$5) to the Advanced Technology
23 and Data Exchange Fund; and twelve dollars fifty cents
24 (\$12.50) to the county general fund.

25 "(4) For cases filed in circuit court other than
26 cases filed on the domestic relations docket of the circuit
27 court, twenty-five dollars (\$25) to the Fair Trial Tax Fund;

1 two hundred forty-six dollars seventy-five cents (\$246.75) to
2 the State General Fund, one hundred forty-one dollars
3 seventy-five cents (\$141.75) of which shall be for judicial
4 and public safety functions; five dollars (\$5) to the Advanced
5 Technology and Data Exchange Fund; and twenty dollars
6 twenty-five cents (\$20.25) to the county general fund.

7 "(5) For other circuit court cases in which the
8 matter in controversy, exclusive of interest, costs, and
9 attorney fees, does not exceed fifty thousand dollars
10 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax
11 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to
12 the State General Fund, forty-eight dollars fifty cents
13 (\$48.50) of which shall be for judicial and public safety
14 functions; five dollars (\$5) to the Advanced Technology and
15 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)
16 to the county general fund.

17 "(6) For uncontested and contested cases filed on
18 the domestic relations docket in circuit court, twenty-five
19 dollars (\$25) to the Fair Trial Tax Fund; one hundred five
20 dollars (\$105) to the State General Fund; five dollars (\$5) to
21 the Advanced Technology and Data Exchange Fund; and ten
22 dollars (\$10) to the county general fund.

23 "(7) For cases filed on the domestic relations
24 docket of the circuit court seeking to modify or enforce an
25 existing domestic relations court order, twenty-five dollars
26 (\$25) to the Fair Trial Tax Fund; two hundred one dollars
27 (\$201) to the State General Fund, ninety-six dollars (\$96) of

1 which shall be for judicial and public safety functions; five
2 dollars (\$5) to the Advanced Technology and Data Exchange
3 Fund; and seventeen dollars (\$17) to the county general fund.

4 "(8) For a counterclaim, cross claim, third party
5 complaint, third party motion or an action for a declaratory
6 judgment filed in a civil action of the circuit court and for
7 a motion or complaint to appear as an intervenor or a third
8 party plaintiff in a civil action of the circuit court other
9 than cases filed on the domestic relations docket of the
10 circuit court, twenty-five dollars (\$25) to the Fair Trial Tax
11 Fund; two hundred thirty-six dollars seventy-five cents
12 (\$236.75) to the State General Fund, two hundred thirty-six
13 dollars seventy-five cents (\$236.75) of which shall be for
14 judicial and public safety functions; five dollars (\$5) to the
15 Advanced Technology and Data Exchange Fund; and thirty dollars
16 twenty-five cents (\$30.25) to the county general fund.

17 "(9) For any fifty dollar (\$50) fee collected for
18 each additional plaintiff in civil cases filed on the small
19 claims docket of the district court, forty-six dollars fifty
20 cents (\$46.50) shall be distributed to the State General Fund
21 for judicial and public safety functions and three dollars
22 fifty cents (\$3.50) shall be distributed to the county general
23 fund.

24 "(10) For any fifty dollar (\$50) fee collected for
25 each additional plaintiff in civil cases other than small
26 claims cases filed in the district court, as well as, any
27 fifty dollar (\$50) fee for any party filing a dispositive

1 motion, i.e. a motion for a judgment on the pleadings, a
2 default judgment, or a summary judgment, forty-five dollars
3 (\$45) shall be distributed to the State General Fund for
4 judicial and public safety functions and five dollars (\$5)
5 shall be distributed to the county general fund.

6 "(11) For any one hundred dollar (\$100) fee
7 collected for each additional plaintiff in civil cases filed
8 in the circuit court, ninety-three dollars (\$93) shall be
9 distributed to the State General Fund for judicial and public
10 safety functions and seven dollars (\$7) shall be distributed
11 to the county general fund.

12 "(12) Ten dollars (\$10) of all sums paid pursuant to
13 subdivision (13) of Section 12-19-71 shall be paid to the Fair
14 Trial Tax Fund; eighty-six dollars fifty cents (\$86.50) to the
15 State General Fund, forty-five dollars fifty cents (\$45.50) of
16 which shall be for judicial and public safety functions; and
17 three dollars fifty cents (\$3.50) shall be distributed to the
18 county general fund."

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