

1 HB248
2 136128-2
3 By Representatives Beckman, Jones and Farley
4 RFD: Judiciary
5 First Read: 09-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 Under existing law, the circuit court may
18 impose a fine not exceeding \$100 for contempt.

19 Under existing law, a plaintiff filing a
20 case in circuit or district court is charged a
21 filing fee.

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

1 This bill would also raise the jurisdiction
2 of the small claims division of the district court
3 to cover all cases where the amount in controversy
4 is \$5,000 or less.

5 This bill would increase the fine for
6 contempt to \$500.

7 This bill would revise the filing fee and
8 filing fee distribution statutes to reflect the new
9 jurisdiction, but to keep the filing fees and
10 distribution of filing fees at the same amounts as
11 before the revisions provided in this act.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Sections 12-11-30, 12-12-30, 12-12-31,
18 12-19-71, and 12-19-72, Code of Alabama 1975; to provide
19 further for the jurisdiction of the circuit court, district
20 court, and the small claims division of the district court and
21 for the amount of fines for contempt.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 12-11-30, 12-12-30, 12-12-31,
24 12-19-71, and 12-19-72, Code of Alabama 1975, are amended to
25 read as follows:

26 "§12-11-30.

1 "(1) CIVIL. The circuit court shall have exclusive
2 original jurisdiction of all civil actions in which the matter
3 in controversy exceeds ~~ten~~ twenty thousand dollars ~~(\$10,000)~~
4 (\$20,000), exclusive of interest and costs, and shall exercise
5 original jurisdiction concurrent with the district court in
6 all civil actions in which the matter in controversy exceeds
7 ~~three~~ five thousand dollars ~~(\$3,000)~~ (\$5,000), exclusive of
8 interest and costs.

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

20 "(3) APPELLATE. The circuit court shall have
21 appellate jurisdiction of civil, criminal, and juvenile cases
22 in district court and prosecutions for ordinance violations in
23 municipal courts, except in cases in which direct appeal to
24 the Courts of Civil or Criminal Appeals is provided by law or
25 rule. Appeals to the circuit court shall be tried de novo,
26 with or without a jury, as provided by law.

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

5 "(5) CONTEMPTS. The circuit court may punish
6 contempts by fines not exceeding ~~one hundred dollars (\$100)~~
7 five hundred dollars (\$500) and by imprisonment not exceeding
8 five days. The power of the circuit court to enforce its
9 orders and judgements by determinations of civil contempt
10 shall be unaffected by this section.

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

13 "§12-12-30.

14 "The original civil jurisdiction of the district
15 court of Alabama shall be uniform throughout the state,
16 concurrent with the circuit court, except as otherwise
17 provided, and shall include all civil actions in which the
18 matter in controversy does not exceed ~~ten~~ twenty thousand
19 dollars ~~(\$10,000)~~ (\$20,000), exclusive of interest and costs,
20 and civil actions based on unlawful detainer; except, that the
21 district court shall not exercise jurisdiction over any of the
22 following matters:

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

24 "a. Equitable questions arising in juvenile cases
25 within the jurisdiction of the district court.

1 "b. Equitable defenses asserted or compulsory
2 counterclaims filed by any party in any civil action within
3 the jurisdiction of the district court.

4 "(2) Any actions enumerated in Rule 81 of the
5 Alabama Rules of Civil Procedure other than any of the
6 following:

7 "a. Actions based in negligence against
8 municipalities.

9 "b. Actions seeking substitution of lost or
10 destroyed records or instruments.

11 "c. Summary motion proceedings.

12 "d. Relieving disabilities of nonage.

13 "(3) Actions seeking declaratory judgments.

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

15 "§12-12-31.

16 "(a) The district court shall exercise exclusive
17 jurisdiction over all civil actions in which the matter in
18 controversy, exclusive of interest and costs, does not exceed
19 ~~three~~ five thousand dollars ~~(\$3,000)~~ (\$5,000). These actions
20 shall be placed on a small claims docket by each district
21 court and shall be processed according to uniform rules of
22 simplified civil procedure as may be promulgated by the
23 Supreme Court.

24 "(b) A party, including an individual, partnership,
25 or corporation, may appear in cases on the small claims docket
26 of district court with or without representation by an
27 attorney. If a partnership appears without representation by

1 an attorney, the person representing the partnership shall be
2 a partner or employee of the partnership and if a corporation
3 appears without representation by an attorney, the person
4 representing the corporation shall be an officer or full-time
5 employee of the corporation.

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

10 "(d) No action shall be filed or prosecuted on the
11 small claims docket by an assignee of the claim which is the
12 subject matter of the action without being represented by a
13 licensed attorney; nor shall any person, firm or corporation,
14 excluding licensed attorneys, file or prosecute such an action
15 on behalf of the original owner of the claim.

16 "(e) No action may be filed or prosecuted on the
17 small claims docket by any individual whose license to
18 practice law, at the time of filing or prosecution, has been
19 revoked, suspended, or otherwise impaired for disciplinary
20 reasons by the Alabama Board of Bar Commissioners or the
21 Alabama Supreme Court.

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

27 "§12-19-71.

1 "(a) The filing fees which shall be collected in
2 civil cases shall be:

3 "(1) Thirty-five dollars (\$35) for cases filed on
4 the small claims docket of the district court in which the
5 matter in controversy, exclusive of interest, costs, and
6 attorney fees, totals one thousand five hundred dollars
7 (\$1,500) or less; provided, however, if attorney fees have
8 been allowed by applicable state law or contract, the amount
9 of these fees shall be added to the amount of the matter in
10 controversy above in determining the jurisdictional amount.

11 "(2) One hundred nine dollars (\$109) for cases filed
12 on the small claims docket of the district court in which the
13 matter in controversy, exclusive of interest, costs, and
14 attorney fees, exceeds one thousand five hundred dollars
15 (\$1,500) but does not exceed three thousand dollars (\$3,000);
16 provided, however, if attorney fees have been allowed by
17 applicable state law or contract, the amount of these fees
18 shall be added to the amount of the matter in controversy
19 above in determining the jurisdictional amount.

20 "(3) One hundred ninety-eight dollars (\$198) for
21 cases otherwise filed in the district court, including cases
22 on the small claims docket, in which the matter in
23 controversy, exclusive of interest, costs, and attorney fees,
24 exceeds three thousand dollars (\$3,000) but does not exceed
25 ten thousand dollars (\$10,000); provided, however, if attorney
26 fees have been allowed by applicable state law or contract,
27 the amount of these fees shall be added to the amount of the

1 matter in controversy above in determining the jurisdictional
2 amount.

3 "(4) Two hundred ninety-seven dollars (\$297) for
4 cases filed in the district court where the amount in
5 controversy exceeds ten thousand dollars (\$10,000) or in the
6 circuit court other than cases filed on the domestic relations
7 docket of the circuit court. Notwithstanding any other
8 provision of law, the docket fee shall be one hundred
9 ninety-seven dollars (\$197) for civil cases in circuit court
10 in which the matter of controversy, exclusive of interest,
11 costs, and attorney fees does not exceed fifty thousand
12 dollars (\$50,000); provided, however, if attorney fees have
13 been allowed by applicable state law or contract, the amount
14 of these fees shall be added to the amount of the matter in
15 controversy above in determining the jurisdictional amount.
16 However, if any plaintiff files an addendum to increase the
17 damages requested to an amount that exceeds fifty thousand
18 dollars (\$50,000), or if the plaintiff fails to specify the
19 amount in the filing, then the fee shall be two hundred
20 ninety-seven dollars (\$297) and distributed as provided for in
21 subdivision (4) of Section 12-19-72.

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

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

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

9 "(8) Two hundred ninety-seven dollars (\$297) for a
10 counterclaim, cross claim, third party complaint, a third
11 party motion, or an action for a declaratory judgment filed in
12 a civil action of the district court where the amount in
13 controversy exceeds ten thousand dollars (\$10,000) or the
14 circuit court other than cases filed on the domestic relations
15 docket of the circuit court.

16 "(9) Two hundred ninety-seven dollars (\$297) on a
17 motion or complaint to appear as an intervenor or a third
18 party plaintiff in a civil action of the district court where
19 the amount in controversy exceeds ten thousand dollars
20 (\$10,000) or in the circuit court other than cases filed on
21 the domestic relations docket of the circuit court.

22 "(10) Fifty dollars (\$50) on a dispositive motion
23 seeking (a) a judgment on the pleadings pursuant to Rule
24 12(c), Alabama Rules of Civil Procedure, (b) a default
25 judgment pursuant to Rule 55(b), Alabama Rules of Civil
26 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
27 Alabama Rules of Civil Procedure, and filed by any party in a

1 civil action of the district or circuit court, except for
2 small claims cases where the amount in controversy does not
3 exceed three thousand dollars (\$3,000).

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

15 "(12) In addition to the filing fees provided in
16 subdivision (4), an additional one hundred dollars (\$100)
17 shall be charged for each additional plaintiff in those cases
18 filed; provided, however, that regardless of the number of
19 additional plaintiffs, not more than one thousand dollars
20 (\$1,000) in total additional plaintiff filing fees shall be
21 charged in any one case filed. The court may remit any of the
22 additional one hundred dollar (\$100) charges if any of the
23 additional plaintiffs provide proof to the court that such
24 fees should not be charged. Nothing in this subdivision shall
25 be interpreted as establishing a maximum number of plaintiffs.

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

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

7 "(c) (1) Notwithstanding any other provision of Act
8 2004-636 to the contrary, there shall be no increase in the
9 filing fee for any workers' compensation case filed in circuit
10 court.

11 "(2) Notwithstanding any other provision of Act
12 2004-636 to the contrary, Act 2004-636 shall not affect any
13 local court filing fees established by local act unless
14 specifically provided for in Act 2004-636.

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

19 "§12-19-72.

20 "The filing fees collected in civil cases shall be
21 distributed as follows:

22 "(1) For cases filed on the small claims docket of
23 the district court in which the matter in controversy,
24 exclusive of interest, costs, and attorney fees, totals one
25 thousand five hundred dollars (\$1,500) or less, seventeen
26 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars

1 (\$13) to the State General Fund; and five dollars (\$5) to the
2 county general fund.

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

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

23 "(4) For cases filed in the district court where the
24 amount in controversy exceeds ten thousand dollars (\$10,000)
25 and for cases filed in the circuit court other than cases
26 filed on the domestic relations docket of the circuit court,
27 twenty-five dollars (\$25) to the Fair Trial Tax Fund; two

1 hundred forty-six dollars seventy-five cents (\$246.75) to the
2 State General Fund, one hundred forty-one dollars seventy-five
3 cents (\$141.75) of which shall be for judicial and public
4 safety functions; five dollars (\$5) to the Advanced Technology
5 and Data Exchange Fund; and twenty dollars twenty-five cents
6 (\$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 district court where
7 the amount in controversy exceeds ten thousand dollars
8 (\$10,000) or in the circuit court and for a motion or
9 complaint to appear as an intervenor or a third party
10 plaintiff in a civil action of the district court where the
11 amount in controversially exceeds ten thousand dollars
12 (\$10,000) or in the circuit court other than cases filed on
13 the domestic relations docket of the circuit court,
14 twenty-five dollars (\$25) to the Fair Trial Tax Fund; two
15 hundred thirty-six dollars seventy-five cents (\$236.75) to the
16 State General Fund, two hundred thirty-six dollars
17 seventy-five cents (\$236.75) of which shall be for judicial
18 and public safety functions; five dollars (\$5) to the Advanced
19 Technology and Data Exchange Fund; and thirty dollars
20 twenty-five cents (\$30.25) to the county general fund.

21 "(9) For any fifty dollar (\$50) fee collected for
22 each additional plaintiff in civil cases filed on the small
23 claims docket of the district court where the amount in
24 controversy does not exceed three thousand dollars (\$3,000),
25 forty-six dollars fifty cents (\$46.50) shall be distributed to
26 the State General Fund for judicial and public safety

1 functions and three dollars fifty cents (\$3.50) shall be
2 distributed to the county general fund.

3 "(10) For any fifty dollar (\$50) fee collected for
4 each additional plaintiff in civil cases ~~other than small~~
5 ~~claims cases~~ filed in the district court including small
6 claims cases where the amount in controversy exceeds three
7 thousands (\$3,000), as well as, any fifty dollar (\$50) fee for
8 any party filing a dispositive motion, i.e. a motion for a
9 judgment on the pleadings, a default judgment, or a summary
10 judgment, forty-five dollars (\$45) shall be distributed to the
11 State General Fund for judicial and public safety functions
12 and five dollars (\$5) shall be distributed to the county
13 general fund.

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

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

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