

1 HB302
2 165241-1
3 By Representatives Fridy, Rowe, Hill (M), Weaver, McCutcheon,
4 Beckman, Ledbetter, Whorton (R), Williams (JD), Ball,
5 Williams (P), Patterson, Mooney, Faulkner and Jones
6 RFD: Judiciary
7 First Read: 17-MAR-15

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8 SYNOPSIS: Under existing law, in certain counties
9 where the judge of probate is required to be an
10 attorney or is an attorney, the probate court has
11 concurrent equity jurisdiction with the circuit
12 court in cases originally filed in probate court
13 such as estate administration, trust
14 administration, guardianship, and conservatorship
15 proceedings.

16 This bill would provide in those cases, the
17 probate court would have the same power to punish
18 for civil contempt as granted to the judges of the
19 circuit courts.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Relating to the judges of probate in counties where
26 a probate court of the county has concurrent equity
27 jurisdiction with the circuit court of the county; to amend

1 Section 12-13-9 of the Code of Alabama 1975, to provide that
2 the judge of probate would have the same power to punish for
3 civil contempts as judges of the circuit courts.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 12-13-9 of the Code of Alabama
6 1975, is amended to read as follows:

7 "§12-13-9.

8 "(a) The probate court may issue show cause orders
9 and attachment for contempts offered to the court or its
10 process by any executor, administrator, guardian or other
11 person and may punish the same by fine not exceeding \$20.00
12 and imprisonment not exceeding 24 hours, or both.

13 "(b) In all cases or other proceedings in the
14 probate court of a county which has concurrent equity
15 jurisdiction with the circuit court of the county, the judge
16 of probate shall have the same power to punish for civil
17 contempt as granted to a judge of the circuit court pursuant
18 to Section 12-11-30 or otherwise or by the common law of this
19 state."

20 Section 2. All laws or parts of laws which conflict
21 with this act are repealed.

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