

1 SB297
2 197149-2
3 By Senators Givhan, Barfoot, Albritton and Orr
4 RFD: Judiciary
5 First Read: 16-APR-19

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to circuit and district courts; to amend
12 Sections 12-11-30 and 12-12-30, Code of Alabama 1975, to
13 provide further for the jurisdiction of the circuit and
14 district courts.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 12-11-30 and 12-12-30, Code of
17 Alabama 1975, are amended to read as follows:

18 "§12-11-30.

19 "(1) CIVIL. The circuit court shall have exclusive
20 original jurisdiction of all civil actions in which the matter
21 in controversy exceeds ~~ten~~ twenty-five thousand dollars
22 (~~\$10,000~~ \$25,000), exclusive of interest and costs, and shall
23 exercise original jurisdiction concurrent with the district
24 court in all civil actions in which the matter in controversy
25 exceeds six thousand dollars (\$6,000), exclusive of interest
26 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. The power of the
26 circuit court to enforce its orders and judgments by

1 determinations of civil contempt shall be unaffected by this
2 section.

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

5 "§12-12-30.

6 "The original civil jurisdiction of the district
7 court of Alabama shall be uniform throughout the state,
8 concurrent with the circuit court, except as otherwise
9 provided, and shall include all civil actions in which the
10 matter in controversy does not exceed ~~ten~~ twenty-five thousand
11 dollars (~~\$10,000~~ \$25,000), exclusive of interest and costs,
12 and civil actions based on unlawful detainer; except, that the
13 district court shall not exercise jurisdiction over any of the
14 following matters:

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

16 "a. Equitable questions arising in juvenile cases
17 within the jurisdiction of the district court.

18 "b. Equitable defenses asserted or compulsory
19 counterclaims filed by any party in any civil action within
20 the jurisdiction of the district court.

21 "(2) Any actions enumerated in Rule 81 of the
22 Alabama Rules of Civil Procedure other than any of the
23 following:

24 "a. Actions based in negligence against
25 municipalities.

26 "b. Actions seeking substitution of lost or
27 destroyed records or instruments.

1 "c. Summary motion proceedings.

2 "d. Relieving disabilities of nonage.

3 "(3) Actions seeking declaratory judgments.

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

5 Section 2. Any civil action brought in district
6 court of which the circuit court has concurrent jurisdiction,
7 may be removed by a defendant to the circuit court of the
8 county in which the action is pending. If a defendant requests
9 removal of any civil action under this section, the circuit
10 clerk shall remove the civil action to circuit court.

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 16-APR-19

Read for the second time and placed on the calen-
dar..... 15-MAY-19

Read for the third time and passed as amended 23-MAY-19

Yeas 31
Nays 0

Patrick Harris,
Secretary.