

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

1 SB297

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4 ENROLLED, An Act,

5 Relating to circuit and district courts; to amend  
6 Sections 12-11-30, 12-12-30, and 12-19-71, Code of Alabama  
7 1975, to provide further for the jurisdiction of the circuit  
8 and district courts.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§12-11-30.

14 "(1) CIVIL. The circuit court shall have exclusive  
15 original jurisdiction of all civil actions in which the matter  
16 in controversy exceeds ~~ten~~ twenty thousand dollars (~~\$10,000~~  
17 \$20,000), exclusive of interest and costs, and shall exercise  
18 original jurisdiction concurrent with the district court in  
19 all civil actions in which the matter in controversy exceeds  
20 six thousand dollars (\$6,000), exclusive of interest and  
21 costs.

22 "(2) CRIMINAL. The circuit court shall have  
23 exclusive original jurisdiction of all felony prosecutions and  
24 of misdemeanor or ordinance violations which are lesser  
25 included offenses within a felony charge or which arise from

1 the same incident as a felony charge; except, that the  
2 district court shall have concurrent jurisdiction with the  
3 circuit court to receive pleas of guilty in felony cases not  
4 punishable by sentence of death. The circuit court may, on  
5 conviction of a defendant, upon a showing of inability to make  
6 immediate payment of fine and costs, continue the case from  
7 time to time to permit the fine and costs to be paid.

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

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

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

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

3           "§12-12-30.

4           "The original civil jurisdiction of the district  
5 court of Alabama shall be uniform throughout the state,  
6 concurrent with the circuit court, except as otherwise  
7 provided, and shall include all civil actions in which the  
8 matter in controversy does not exceed ~~ten~~ twenty thousand  
9 dollars (~~\$10,000~~ \$20,000), exclusive of interest and costs,  
10 and civil actions based on unlawful detainer; except, that the  
11 district court shall not exercise jurisdiction over any of the  
12 following matters:

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

14           "a. Equitable questions arising in juvenile cases  
15 within the jurisdiction of the district court.

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

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

22           "a. Actions based in negligence against  
23 municipalities.

24           "b. Actions seeking substitution of lost or  
25 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 "§12-19-71.

6 "(a) The filing fees which shall be collected in  
7 civil cases shall be:

8 "(1) Thirty-five dollars (\$35) for cases filed on  
9 the small claims docket of the district court in which the  
10 matter in controversy, exclusive of interest, costs, and  
11 attorney fees, totals one thousand five hundred dollars  
12 (\$1,500) or less; 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 "(2) One hundred nine dollars (\$109) for cases filed  
17 on the small claims docket of the district court in which the  
18 matter in controversy, exclusive of interest, costs, and  
19 attorney fees, exceeds one thousand five hundred dollars  
20 (\$1,500) but does not exceed three thousand dollars (\$3,000);  
21 provided, however, if attorney fees have been allowed by  
22 applicable state law or contract, the amount of these fees  
23 shall be added to the amount of the matter in controversy  
24 above in determining the jurisdictional amount.

1           "(3) One hundred ninety-eight dollars (\$198) for  
2 cases otherwise filed in the district court, including cases  
3 on the small claims docket, in which the matter in  
4 controversy, exclusive of interest, costs, and attorney fees,  
5 exceeds three thousand dollars (\$3,000) but does not exceed  
6 ~~ten~~ twenty thousand dollars (~~\$10,000~~ \$20,000); provided,  
7 however, if attorney fees have been allowed by applicable  
8 state law or contract, the amount of these fees shall be added  
9 to the amount of the matter in controversy above in  
10 determining the jurisdictional amount.

11           "(4) Two hundred ninety-seven dollars (\$297) for  
12 cases filed in the circuit court other than cases filed on the  
13 domestic relations docket of the circuit court.  
14 Notwithstanding any other provision of law, the docket fee  
15 shall be one hundred ninety-seven dollars (\$197) for civil  
16 cases in circuit court in which the matter of controversy,  
17 exclusive of interest, costs, and attorney fees does not  
18 exceed fifty thousand dollars (\$50,000); provided, however, if  
19 attorney fees have been allowed by applicable state law or  
20 contract, the amount of these fees shall be added to the  
21 amount of the matter in controversy above in determining the  
22 jurisdictional amount. However, if any plaintiff files an  
23 addendum to increase the damages requested to an amount that  
24 exceeds fifty thousand dollars (\$50,000), or if the plaintiff  
25 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

1 than cases filed on the domestic relations docket of the  
2 circuit court.

3 "(10) Fifty dollars (\$50) on a dispositive motion  
4 seeking (a) a judgment on the pleadings pursuant to Rule  
5 12(c), Alabama Rules of Civil Procedure, (b) a default  
6 judgment pursuant to Rule 55(b), Alabama Rules of Civil  
7 Procedure, and/or (c) a summary judgment pursuant to Rule 56,  
8 Alabama Rules of Civil Procedure, and filed by any party in a  
9 civil action of the district or circuit court, except for  
10 small claims cases where the amount in controversy does not  
11 exceed three thousand dollars (\$3,000).

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

23 "(12) In addition to the filing fees provided in  
24 subdivision (4), an additional one hundred dollars (\$100)  
25 shall be charged for each additional plaintiff in those cases



1 filed; provided, however, that regardless of the number of  
2 additional plaintiffs, not more than one thousand dollars  
3 (\$1,000) in total additional plaintiff filing fees shall be  
4 charged in any one case filed. The court may remit any of the  
5 additional one hundred dollar (\$100) charges if any of the  
6 additional plaintiffs provide proof to the court that such  
7 fees should not be charged. Nothing in this subdivision shall  
8 be interpreted as establishing a maximum number of plaintiffs.

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

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

15 "(c) (1) Notwithstanding any other provision of Act  
16 2004-636 to the contrary, there shall be no increase in the  
17 filing fee for any workers' compensation case filed in circuit  
18 court.

19 "(2) Notwithstanding any other provision of Act  
20 2004-636 to the contrary, Act 2004-636 shall not affect any  
21 local court filing fees established by local act unless  
22 specifically provided for in Act 2004-636.

23 "(d) Nothing in Act 2004-636 shall limit a judge's  
24 authority to allow a civil case to proceed at no cost to a

1 party upon the judge's approval of an affidavit of substantial  
2 hardship."

3 Section 2. Any civil action brought in district  
4 court of which the circuit court has concurrent jurisdiction,  
5 may be removed by a defendant or defendants to the circuit  
6 court of the county in which the action is pending. A  
7 defendant or defendants desiring to remove a case under this  
8 section shall file a notice of removal with the circuit court  
9 within 30 days after receipt, through service or otherwise, of  
10 a copy of the initial pleading. A case removed under this  
11 section shall not be subject to the jurisdictional damage  
12 limitations of district court. If a defendant or defendants  
13 requests removal of any civil action under this section, the  
14 circuit clerk shall remove the civil action to circuit court.

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

Senate 23-MAY-19.  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Senate 31-MAY-19  
I hereby certify that the within Act originated in and passed  
the Senate, as amended by Executive Amendment.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and Passed: 30-MAY-19  
House of Representatives  
Passed: 31-MAY-19, as amended by Executive Amendment.

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By: Senator Givhan