

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

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8 SYNOPSIS: Under existing law, the circuit court has
9 exclusive original jurisdiction over cases where
10 the amount in controversy exceeds \$10,000.

11 Under existing law, the district court has
12 original civil jurisdiction over cases where the
13 amount in controversy is \$10,000 or less.

14 This bill would reduce the exclusive
15 original jurisdiction of the circuit court to cover
16 all cases where the amount in controversy exceeds
17 \$25,000.

18 This bill would increase the original civil
19 jurisdiction of the district court to cover all
20 cases where the amount in controversy is \$25,000 or
21 less.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to circuit and district courts; to amend
2 Sections 12-11-30 and 12-12-30, Code of Alabama 1975, to
3 provide further for the jurisdiction of the circuit and
4 district courts.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§12-11-30.

9 "(1) CIVIL. The circuit court shall have exclusive
10 original jurisdiction of all civil actions in which the matter
11 in controversy exceeds ~~ten~~ twenty-five thousand dollars
12 (~~\$10,000~~ \$25,000), exclusive of interest and costs, and shall
13 exercise original jurisdiction concurrent with the district
14 court in all civil actions in which the matter in controversy
15 exceeds six thousand dollars (\$6,000), exclusive of interest
16 and costs.

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

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

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

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

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

20 "§12-12-30.

21 "The original civil jurisdiction of the district
22 court of Alabama shall be uniform throughout the state,
23 concurrent with the circuit court, except as otherwise
24 provided, and shall include all civil actions in which the
25 matter in controversy does not exceed ~~ten~~ twenty-five thousand
26 dollars (~~\$10,000~~ \$25,000), exclusive of interest and costs,
27 and civil actions based on unlawful detainer; except, that the

1 district court shall not exercise jurisdiction over any of the
2 following matters:

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

4 "a. Equitable questions arising in juvenile cases
5 within the jurisdiction of the district court.

6 "b. Equitable defenses asserted or compulsory
7 counterclaims filed by any party in any civil action within
8 the jurisdiction of the district court.

9 "(2) Any actions enumerated in Rule 81 of the
10 Alabama Rules of Civil Procedure other than any of the
11 following:

12 "a. Actions based in negligence against
13 municipalities.

14 "b. Actions seeking substitution of lost or
15 destroyed records or instruments.

16 "c. Summary motion proceedings.

17 "d. Relieving disabilities of nonage.

18 "(3) Actions seeking declaratory judgments.

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

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