

1 HB92  
2 181710-1  
3 By Representative Beckman  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 02/06/2017

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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 small  
11 claims division of the district court has  
12 jurisdiction over cases where the amount in  
13 controversy does not exceed \$6,000.

14 Also under existing law, a plaintiff filing  
15 a case in the district court is charged a filing  
16 fee and the fees are distributed according to the  
17 court in which the case is heard and the amount in  
18 controversy. The amount of the filing fee is less  
19 for cases filed in the small claims division of the  
20 district court.

21 This bill would increase the jurisdiction of  
22 the district courts to cover all cases where the  
23 amount in controversy is \$20,000 or less.

24 This bill would revise the filing fee and  
25 filing fee distribution statutes to reflect the new  
26 jurisdiction of the district court, but would keep  
27 the filing fee and distribution of filing fees at

1 the same amounts for the small claims division of  
2 the district court.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Sections 12-11-30, 12-19-71, 12-19-72, and  
9 12-12-30, Code of Alabama 1975, to further provide for the  
10 jurisdiction of the district court; and to revise the filing  
11 fees associated with the filing of a case in district.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 12-11-30, 12-19-71, 12-19-72,  
14 and 12-12-30, Code of Alabama 1975, are amended to read as  
15 follows:

16 "§12-11-30.

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

25 "(2) CRIMINAL. The circuit court shall have  
26 exclusive original jurisdiction of all felony prosecutions and  
27 of misdemeanor or ordinance violations which are lesser

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

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

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

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

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

1           "§12-12-30.

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

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

12           "a. Equitable questions arising in juvenile cases  
13 within the jurisdiction of the district court.

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

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

20           "a. Actions based in negligence against  
21 municipalities.

22           "b. Actions seeking substitution of lost or  
23 destroyed records or instruments.

24           "c. Summary motion proceedings.

25           "d. Relieving disabilities of nonage.

26           "(3) Actions seeking declaratory judgments.

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

1           "§12-19-71.

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

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

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

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

1 allowed by applicable state law or contract, the amount of  
2 these fees shall be added to the amount of the matter in  
3 controversy above in determining the jurisdictional amount.

4 "(4) Two hundred ninety-seven dollars (\$297) for  
5 cases filed in the circuit court other than cases filed on the  
6 domestic relations docket of the circuit court.

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

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

14           "(9) Two hundred ninety-seven dollars (\$297) on a  
15 motion or complaint to appear as an intervenor or a third  
16 party plaintiff in a civil action of the circuit court other  
17 than cases filed on the domestic relations docket of the  
18 circuit court.

19           "(10) Fifty dollars (\$50) on a dispositive motion  
20 seeking (a) a judgment on the pleadings pursuant to Rule  
21 12(c), Alabama Rules of Civil Procedure, (b) a default  
22 judgment pursuant to Rule 55(b), Alabama Rules of Civil  
23 Procedure, and/or (c) a summary judgment pursuant to Rule 56,  
24 Alabama Rules of Civil Procedure, and filed by any party in a  
25 civil action of the district or circuit court, except for  
26 small claims cases where the amount in controversy does not  
27 exceed three thousand dollars (\$3,000).



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

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

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

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

4           "(c) (1) Notwithstanding any other provision of Act  
5 2004-636 to the contrary, there shall be no increase in the  
6 filing fee for any workers' compensation case filed in circuit  
7 court.

8           "(2) Notwithstanding any other provision of Act  
9 2004-636 to the contrary, Act 2004-636 shall not affect any  
10 local court filing fees established by local act unless  
11 specifically provided for in Act 2004-636.

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

16           "§12-19-72.

17           "The filing fees collected in civil cases shall be  
18 distributed as follows:

19           "(1) For cases filed on the small claims docket of  
20 the district court in which the matter in controversy,  
21 exclusive of interest, costs, and attorney fees, totals one  
22 thousand five hundred dollars (\$1,500) or less, seventeen  
23 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars  
24 (\$13) to the State General Fund; and five dollars (\$5) to the  
25 county general fund.

26           "(2) For cases on the small claims docket of the  
27 district court in which the matter in controversy, exclusive

1 of interest, costs, and attorney fees, exceeds one thousand  
2 five hundred dollars (\$1,500) but does not exceed three  
3 thousand dollars (\$3,000), twenty-one dollars (\$21) to the  
4 Fair Trial Tax Fund; seventy-five dollars (\$75) to the State  
5 General Fund; five dollars (\$5) to the Advanced Technology and  
6 Data Exchange Fund; and eight dollars (\$8) to the county  
7 general fund.

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

19 "(4) For cases filed in circuit court other than  
20 cases filed on the domestic relations docket of the circuit  
21 court, twenty-five dollars (\$25) to the Fair Trial Tax Fund;  
22 two hundred forty-six dollars seventy-five cents (\$246.75) to  
23 the State General Fund, one hundred forty-one dollars  
24 seventy-five cents (\$141.75) of which shall be for judicial  
25 and public safety functions; five dollars (\$5) to the Advanced  
26 Technology and Data Exchange Fund; and twenty dollars  
27 twenty-five cents (\$20.25) to the county general fund.

1           "(5) For other circuit court cases in which the  
2 matter in controversy, exclusive of interest, costs, and  
3 attorney fees, does not exceed fifty thousand dollars  
4 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax  
5 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to  
6 the State General Fund, forty-eight dollars fifty cents  
7 (\$48.50) of which shall be for judicial and public safety  
8 functions; five dollars (\$5) to the Advanced Technology and  
9 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)  
10 to the county general fund.

11           "(6) For uncontested and contested cases filed on  
12 the domestic relations docket in circuit court, twenty-five  
13 dollars (\$25) to the Fair Trial Tax Fund; one hundred five  
14 dollars (\$105) to the State General Fund; five dollars (\$5) to  
15 the Advanced Technology and Data Exchange Fund; and ten  
16 dollars (\$10) to the county general fund.

17           "(7) For cases filed on the domestic relations  
18 docket of the circuit court seeking to modify or enforce an  
19 existing domestic relations court order, twenty-five dollars  
20 (\$25) to the Fair Trial Tax Fund; two hundred one dollars  
21 (\$201) to the State General Fund, ninety-six dollars (\$96) of  
22 which shall be for judicial and public safety functions; five  
23 dollars (\$5) to the Advanced Technology and Data Exchange  
24 Fund; and seventeen dollars (\$17) to the county general fund.

25           "(8) For a counterclaim, cross claim, third party  
26 complaint, third party motion or an action for a declaratory  
27 judgment filed in a civil action of the circuit court and for

1 a motion or complaint to appear as an intervenor or a third  
2 party plaintiff in a civil action of the circuit court other  
3 than cases filed on the domestic relations docket of the  
4 circuit court, twenty-five dollars (\$25) to the Fair Trial Tax  
5 Fund; two hundred thirty-six dollars seventy-five cents  
6 (\$236.75) to the State General Fund, two hundred thirty-six  
7 dollars seventy-five cents (\$236.75) of which shall be for  
8 judicial and public safety functions; five dollars (\$5) to the  
9 Advanced Technology and Data Exchange Fund; and thirty dollars  
10 twenty-five cents (\$30.25) to the county general fund.

11 "(9) For any fifty dollar (\$50) fee collected for  
12 each additional plaintiff in civil cases filed on the small  
13 claims docket of the district court where the amount in  
14 controversy does not exceed three thousand dollars (\$3,000),  
15 forty-six dollars fifty cents (\$46.50) shall be distributed to  
16 the State General Fund for judicial and public safety  
17 functions and three dollars fifty cents (\$3.50) shall be  
18 distributed to the county general fund.

19 "(10) For any fifty dollar (\$50) fee collected for  
20 each additional plaintiff in civil cases filed in the district  
21 court, including small claims cases where the amount in  
22 controversy exceeds three thousand dollars (\$3,000), as well  
23 as, any fifty dollar (\$50) fee for any party filing a  
24 dispositive motion, i.e. a motion for a judgment on the  
25 pleadings, a default judgment, or a summary judgment,  
26 forty-five dollars (\$45) shall be distributed to the State

1 General Fund for judicial and public safety functions and five  
2 dollars (\$5) shall be distributed to the county general fund.

3 "(11) For any one hundred dollar (\$100) fee  
4 collected for each additional plaintiff in civil cases filed  
5 in the circuit court, ninety-three dollars (\$93) shall be  
6 distributed to the State General Fund for judicial and public  
7 safety functions and seven dollars (\$7) shall be distributed  
8 to the county general fund.

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

16 Section 2. This act shall become effective January  
17 1, 2017, following its passage and approval by the Governor,  
18 or its otherwise becoming law.