

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

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to the judges of probate in counties where
9 a probate court of the county has concurrent equity
10 jurisdiction with the circuit court of the county; to amend
11 Section 12-13-9 of the Code of Alabama 1975, to provide that
12 the judge of probate would have the same power to punish for
13 civil contempts as judges of the circuit courts.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 12-13-9 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§12-13-9.

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

23 "(b) In all cases or other proceedings in the
24 probate court of a county which has concurrent equity
25 jurisdiction with the circuit court of the county, the judge
26 of probate shall have the same power to punish for civil
27 contempt as granted to a judge of the circuit court pursuant

1 to Section 12-11-30 or otherwise or by the common law of this
2 state."

3 Section 2. The provisions of this amendatory act
4 shall not apply in any county with greater than 600,000 in
5 population according to the most recent decennial census.

6 Section 3. All laws or parts of laws which conflict
7 with this act are repealed.

8 Section 4. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 17-MAR-15

Read for the second time and placed
on the calendar..... 02-APR-15

Read for the third time and passed
as amended..... 07-MAY-15

Yeas 93, Nays 0, Abstains 2

Jeff Woodard
Clerk