

1 HB147
2 135489-1
3 By Representative Hubbard (J)
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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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 circuit
11 court has jurisdiction over cases where the amount
12 in controversy exceeds \$10,000.

13 This bill would increase the jurisdiction of
14 the district court to cases where the amount in
15 controversy is \$25,000 or less and would provide
16 that the circuit court has jurisdiction over cases
17 where the amount in controversy exceeds \$25,000.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Sections 12-11-30, 12-12-30, 12-19-71, and
24 12-19-72, Code of Alabama 1975; to provide further for the
25 jurisdiction of the circuit court, district court, and the
26 small claims division of the district court.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§12-11-30.

5 "(1) CIVIL. The circuit court shall have exclusive
6 original jurisdiction of all civil actions in which the matter
7 in controversy exceeds ~~ten~~ twenty-five thousand dollars
8 ~~(\$10,000)~~ (\$25,000), exclusive of interest and costs, and
9 shall exercise original jurisdiction concurrent with the
10 district court in all civil actions in which the matter in
11 controversy exceeds three thousand dollars (\$3,000), exclusive
12 of interest and costs.

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

24 "(3) APPELLATE. The circuit court shall have
25 appellate jurisdiction of civil, criminal, and juvenile cases
26 in district court and prosecutions for ordinance violations in
27 municipal courts, except in cases in which direct appeal to

1 the Courts of Civil or Criminal Appeals is provided by law or
2 rule. Appeals to the circuit court shall be tried de novo,
3 with or without a jury, as provided by law.

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

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

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

16 "§12-12-30.

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

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

1 "a. Equitable questions arising in juvenile cases
2 within the jurisdiction of the district court.

3 "b. Equitable defenses asserted or compulsory
4 counterclaims filed by any party in any civil action within
5 the jurisdiction of the district court.

6 "(2) Any actions enumerated in Rule 81 of the
7 Alabama Rules of Civil Procedure other than any of the
8 following:

9 "a. Actions based in negligence against
10 municipalities.

11 "b. Actions seeking substitution of lost or
12 destroyed records or instruments.

13 "c. Summary motion proceedings.

14 "d. Relieving disabilities of nonage.

15 "(3) Actions seeking declaratory judgments.

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

17 "§12-19-71.

18 "(a) The filing fees which shall be collected in
19 civil cases shall be:

20 "(1) Thirty-five dollars (\$35) for cases filed on
21 the small claims docket of the district court in which the
22 matter in controversy, exclusive of interest, costs, and
23 attorney fees, totals one thousand five hundred dollars
24 (\$1,500) or less; provided, however, if attorney fees have
25 been allowed by applicable state law or contract, the amount
26 of these fees shall be added to the amount of the matter in
27 controversy above in determining the jurisdictional amount.

1 "(2) One hundred nine dollars (\$109) for cases filed
2 on the small claims docket of the district court in which the
3 matter in controversy, exclusive of interest, costs, and
4 attorney fees, exceeds one thousand five hundred dollars
5 (\$1,500) but does not exceed three thousand dollars (\$3,000);
6 provided, however, if attorney fees have been allowed by
7 applicable state law or contract, the amount of these fees
8 shall be added to the amount of the matter in controversy
9 above in determining the jurisdictional amount.

10 "(3) One hundred ninety-eight dollars (\$198) for
11 cases otherwise filed in the district court in which the
12 matter in controversy, exclusive of interest, costs, and
13 attorney fees, exceeds three thousand dollars (\$3,000) but
14 does not exceed ~~ten~~ twenty-five thousand dollars ~~(\$10,000)~~
15 (\$25,000); provided, however, if attorney fees have been
16 allowed by applicable state law or contract, the amount of
17 these fees shall be added to the amount of the matter in
18 controversy above in determining the jurisdictional amount.

19 "(4) Two hundred ninety-seven dollars (\$297) for
20 cases filed in the circuit court other than cases filed on the
21 domestic relations docket of the circuit court.
22 Notwithstanding any other provision of law, the docket fee
23 shall be one hundred ninety-seven dollars (\$197) for civil
24 cases in circuit court in which the matter of controversy,
25 exclusive of interest, costs, and attorney fees does not
26 exceed fifty thousand dollars (\$50,000); provided, however, if
27 attorney fees have been allowed by applicable state law or

1 contract, the amount of these fees shall be added to the
2 amount of the matter in controversy above in determining the
3 jurisdictional amount. However, if any plaintiff files an
4 addendum to increase the damages requested to an amount that
5 exceeds fifty thousand dollars (\$50,000), or if the plaintiff
6 fails to specify the amount in the filing, then the fee shall
7 be two hundred ninety-seven dollars (\$297) and distributed as
8 provided for in subdivision (4) of Section 12-19-72.

9 "(5) 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 uncontested at the time of filing. A case is considered
13 uncontested if a complaint, an answer, and an agreement of the
14 parties is filed in the circuit court.

15 "(6) One hundred forty-five dollars (\$145) for cases
16 filed on the domestic relations docket of the circuit court in
17 which the circuit clerk determines that the cases are
18 contested at the time of filing.

19 "(7) Two hundred forty-eight dollars (\$248) for
20 cases filed in the domestic relations docket of the circuit
21 court seeking to modify or enforce an existing domestic
22 relations court order.

23 "(8) Two hundred ninety-seven dollars (\$297) for a
24 counterclaim, cross claim, third party complaint, a third
25 party motion, or an action for a declaratory judgment filed in
26 a civil action of the circuit court other than cases filed on
27 the domestic relations docket of the circuit court.

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

6 "(10) Fifty dollars (\$50) on a dispositive motion
7 seeking (a) a judgment on the pleadings pursuant to Rule
8 12(c), Alabama Rules of Civil Procedure, (b) a default
9 judgment pursuant to Rule 55(b), Alabama Rules of Civil
10 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
11 Alabama Rules of Civil Procedure, and filed by any party in a
12 civil action of the district or circuit court, except for
13 small claims cases.

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

25 "(12) In addition to the filing fees provided in
26 subdivision (4), an additional one hundred dollars (\$100)
27 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
25 party upon the judge's approval of an affidavit of substantial
26 hardship.

27 "§12-19-72.

1 "The filing fees collected in civil cases shall be
2 distributed as follows:

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

10 "(2) For cases on the small claims docket of the
11 district court in which the matter in controversy, exclusive
12 of interest, costs, and attorney fees, exceeds one thousand
13 five hundred dollars (\$1,500) but does not exceed three
14 thousand dollars (\$3,000), twenty-one dollars (\$21) to the
15 Fair Trial Tax Fund; seventy-five dollars (\$75) to the State
16 General Fund; five dollars (\$5) to the Advanced Technology and
17 Data Exchange Fund; and eight dollars (\$8) to the county
18 general fund.

19 "(3) For other district court cases in which the
20 matter in controversy, exclusive of interest, costs, and
21 attorney fees, exceeds three thousand dollars (\$3,000) but
22 does not exceed ~~ten~~ twenty-five thousand dollars ~~(\$10,000)~~
23 (\$25,000), twenty-one dollars (\$21) to the Fair Trial Tax
24 Fund; one hundred fifty-nine dollars fifty cents (\$159.50) to
25 the State General Fund, eighty-four dollars fifty cents
26 (\$84.50) of which shall be for judicial and public safety
27 functions; five dollars (\$5) to the Advanced Technology and

1 Data Exchange Fund; and twelve dollars fifty cents (\$12.50) to
2 the county general fund.

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

12 "(5) For other circuit court cases in which the
13 matter in controversy, exclusive of interest, costs, and
14 attorney fees, does not exceed fifty thousand dollars
15 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax
16 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to
17 the State General Fund, forty-eight dollars fifty cents
18 (\$48.50) of which shall be for judicial and public safety
19 functions; five dollars (\$5) to the Advanced Technology and
20 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)
21 to the county general fund.

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

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

9 "(8) For a counterclaim, cross claim, third party
10 complaint, third party motion or an action for a declaratory
11 judgment filed in a civil action of the circuit court and for
12 a motion or complaint to appear as an intervenor or a third
13 party plaintiff in a civil action of the circuit court other
14 than cases filed on the domestic relations docket of the
15 circuit court, twenty-five dollars (\$25) to the Fair Trial Tax
16 Fund; two hundred thirty-six dollars seventy-five cents
17 (\$236.75) to the State General Fund, two hundred thirty-six
18 dollars seventy-five cents (\$236.75) of which shall be for
19 judicial and public safety functions; five dollars (\$5) to the
20 Advanced Technology and Data Exchange Fund; and thirty dollars
21 twenty-five cents (\$30.25) to the county general fund.

22 "(9) For any fifty dollar (\$50) fee collected for
23 each additional plaintiff in civil cases filed on the small
24 claims docket of the district court, forty-six dollars fifty
25 cents (\$46.50) shall be distributed to the State General Fund
26 for judicial and public safety functions and three dollars

1 fifty cents (\$3.50) shall be distributed to the county general
2 fund.

3 "(10) For any fifty dollar (\$50) fee collected for
4 each additional plaintiff in civil cases other than small
5 claims cases filed in the district court, as well as, any
6 fifty dollar (\$50) fee for any party filing a dispositive
7 motion, i.e. a motion for a judgment on the pleadings, a
8 default judgment, or a summary judgment, forty-five dollars
9 (\$45) shall be distributed to the State General Fund for
10 judicial and public safety functions and five dollars (\$5)
11 shall be distributed to the county general fund.

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

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

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

