

1 HB42
2 180927-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/11/2017

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8 SYNOPSIS: Under existing law, the circuit court has
9 exclusive jurisdiction over matters where the
10 amount in controversy exceeds \$10,000, the district
11 court has jurisdiction over cases where the amount
12 in controversy is \$10,000 or less, and the small
13 claims division of the district court has
14 jurisdiction over cases where the amount in
15 controversy does not exceed \$6,000.

16 Also under existing law, a plaintiff filing
17 a case in the district court is charged a filing
18 fee and the fees are distributed according to the
19 court in which the case is heard and the amount in
20 controversy.

21 This bill would increase the jurisdiction of
22 the district courts to cover all cases where the
23 amount in controversy is \$25,000 or less and would
24 provide the circuit court with exclusive
25 jurisdiction over matters where the amount in
26 controversy exceeds \$25,000.

1 This bill would also revise the filing fee
2 and filing fee distribution statutes to reflect the
3 new jurisdiction of the district and circuit
4 courts.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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10 To amend Sections 12-11-30, 12-19-71, and 12-19-72,
11 Code of Alabama 1975, as last amended by Act 2015-224, 2015
12 Regular Session, and Section 12-12-30, Code of Alabama 1975,
13 to further provide for the jurisdiction of the district and
14 circuit court; and to revise the filing fees associated with
15 the filing of a case in district and circuit courts.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 12-11-30, 12-19-71, and
18 12-19-72, Code of Alabama 1975, as last amended by Act
19 2015-224, 2015 Regular Session, and Section 12-12-30, Code of
20 Alabama 1975, are amended to read as follows:

21 "§12-11-30.

22 "(1) CIVIL. The circuit court shall have exclusive
23 original jurisdiction of all civil actions in which the matter
24 in controversy exceeds ~~ten thousand dollars (\$10,000)~~ twenty
25 five thousand dollars (\$25,000), exclusive of interest and
26 costs, and shall exercise original jurisdiction concurrent
27 with the district court in all civil actions in which the

1 matter in controversy exceeds six thousand dollars (\$6,000),
2 exclusive of interest and costs.

3 "(2) CRIMINAL. The circuit court shall have
4 exclusive original jurisdiction of all felony prosecutions and
5 of misdemeanor or ordinance violations which are lesser
6 included offenses within a felony charge or which arise from
7 the same incident as a felony charge; except, that the
8 district court shall have concurrent jurisdiction with the
9 circuit court to receive pleas of guilty in felony cases not
10 punishable by sentence of death. The circuit court may, on
11 conviction of a defendant, upon a showing of inability to make
12 immediate payment of fine and costs, continue the case from
13 time to time to permit the fine and costs to be paid.

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

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

25 "(5) CONTEMPTS. The circuit court may punish
26 contempts by fines not exceeding one hundred dollars (\$100)
27 and by imprisonment not exceeding five days. The power of the

1 circuit court to enforce its orders and judgements by
2 determinations of civil contempt shall be unaffected by this
3 section.

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

6 "§12-12-30.

7 "The original civil jurisdiction of the district
8 court of Alabama shall be uniform throughout the state,
9 concurrent with the circuit court, except as otherwise
10 provided, and shall include all civil actions in which the
11 matter in controversy does not exceed ~~ten thousand dollars~~
12 ~~(\$10,000)~~ twenty five thousand dollars (\$25,000), exclusive of
13 interest and costs, and civil actions based on unlawful
14 detainer; except, that the district court shall not exercise
15 jurisdiction over any of the following matters:

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

17 "a. Equitable questions arising in juvenile cases
18 within the jurisdiction of the district court.

19 "b. Equitable defenses asserted or compulsory
20 counterclaims filed by any party in any civil action within
21 the jurisdiction of the district court.

22 "(2) Any actions enumerated in Rule 81 of the
23 Alabama Rules of Civil Procedure other than any of the
24 following:

25 "a. Actions based in negligence against
26 municipalities.

1 "b. Actions seeking substitution of lost or
2 destroyed records or instruments.

3 "c. Summary motion proceedings.

4 "d. Relieving disabilities of nonage.

5 "(3) Actions seeking declaratory judgments.

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

7 "§12-19-71.

8 "(a) The filing fees which shall be collected in
9 civil cases shall be:

10 "(1) Thirty-five dollars (\$35) for cases filed on
11 the small claims docket of the district court in which the
12 matter in controversy, exclusive of interest, costs, and
13 attorney fees, totals one thousand five hundred dollars
14 (\$1,500) or less; provided, however, if attorney fees have
15 been allowed by applicable state law or contract, the amount
16 of these fees shall be added to the amount of the matter in
17 controversy above in determining the jurisdictional amount.

18 "(2) One hundred nine dollars (\$109) for cases filed
19 on the small claims docket of the district court in which the
20 matter in controversy, exclusive of interest, costs, and
21 attorney fees, exceeds one thousand five hundred dollars
22 (\$1,500) but does not exceed three thousand dollars (\$3,000);
23 provided, however, if attorney fees have been allowed by
24 applicable state law or contract, the amount of these fees
25 shall be added to the amount of the matter in controversy
26 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 thousand dollars (\$10,000)~~ twenty five thousand dollars
7 (\$25,000); provided, however, if attorney fees have been
8 allowed by applicable state law or contract, the amount of
9 these fees shall be added to the amount of the matter in
10 controversy above in 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
26 be two hundred ninety-seven dollars (\$297) and distributed as
27 provided for in subdivision (4) of Section 12-19-72.

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

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

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

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

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

25 "(10) Fifty dollars (\$50) on a dispositive motion
26 seeking (a) a judgment on the pleadings pursuant to Rule
27 12(c), Alabama Rules of Civil Procedure, (b) a default

1 judgment pursuant to Rule 55(b), Alabama Rules of Civil
2 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
3 Alabama Rules of Civil Procedure, and filed by any party in a
4 civil action of the district or circuit court, except for
5 small claims cases where the amount in controversy does not
6 exceed three thousand dollars (\$3,000).

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

18 "(12) In addition to the filing fees provided in
19 subdivision (4), an additional one hundred dollars (\$100)
20 shall be charged for each additional plaintiff in those cases
21 filed; provided, however, that regardless of the number of
22 additional plaintiffs, not more than one thousand dollars
23 (\$1,000) in total additional plaintiff filing fees shall be
24 charged in any one case filed. The court may remit any of the
25 additional one hundred dollar (\$100) charges if any of the
26 additional plaintiffs provide proof to the court that such

1 fees should not be charged. Nothing in this subdivision shall
2 be interpreted as establishing a maximum number of plaintiffs.

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

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

9 "(c) (1) Notwithstanding any other provision of Act
10 2004-636 to the contrary, there shall be no increase in the
11 filing fee for any workers' compensation case filed in circuit
12 court.

13 "(2) Notwithstanding any other provision of Act
14 2004-636 to the contrary, Act 2004-636 shall not affect any
15 local court filing fees established by local act unless
16 specifically provided for in Act 2004-636.

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

21 "§12-19-72.

22 "The filing fees collected in civil cases shall be
23 distributed as follows:

24 "(1) For cases filed on the small claims docket of
25 the district court in which the matter in controversy,
26 exclusive of interest, costs, and attorney fees, totals one
27 thousand five hundred dollars (\$1,500) or less, seventeen

1 dollars (\$17) to the Fair Trial Tax Fund; thirteen dollars
2 (\$13) to the State General Fund; and five dollars (\$5) to the
3 county general fund.

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

13 "(3) For other district court cases, including small
14 claims cases, in which the matter in controversy, exclusive of
15 interest, costs, and attorney fees, exceeds three thousand
16 dollars (\$3,000) but does not exceed ~~ten thousand dollars~~
17 ~~(\$10,000)~~ twenty five thousand dollars (\$25,000), twenty-one
18 dollars (\$21) to the Fair Trial Tax Fund; one hundred
19 fifty-nine dollars fifty cents (\$159.50) to the State General
20 Fund, eighty-four dollars fifty cents (\$84.50) of which shall
21 be for judicial and public safety functions; five dollars (\$5)
22 to the Advanced Technology and Data Exchange Fund; and twelve
23 dollars fifty cents (\$12.50) to the county general fund.

24 "(4) For cases filed in circuit court other than
25 cases filed on the domestic relations docket of the circuit
26 court, twenty-five dollars (\$25) to the Fair Trial Tax Fund;
27 two hundred forty-six dollars seventy-five cents (\$246.75) to

1 the State General Fund, one hundred forty-one dollars
2 seventy-five cents (\$141.75) of which shall be for judicial
3 and public safety functions; five dollars (\$5) to the Advanced
4 Technology and Data Exchange Fund; and twenty dollars
5 twenty-five cents (\$20.25) to the county general fund.

6 "(5) For other circuit court cases in which the
7 matter in controversy, exclusive of interest, costs, and
8 attorney fees, does not exceed fifty thousand dollars
9 (\$50,000), twenty-five dollars (\$25) to the Fair Trial Tax
10 Fund; one hundred fifty-three dollars fifty cents (\$153.50) to
11 the State General Fund, forty-eight dollars fifty cents
12 (\$48.50) of which shall be for judicial and public safety
13 functions; five dollars (\$5) to the Advanced Technology and
14 Data Exchange Fund; and thirteen dollars fifty cents (\$13.50)
15 to the county general fund.

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

22 "(7) For cases filed on the domestic relations
23 docket of the circuit court seeking to modify or enforce an
24 existing domestic relations court order, twenty-five dollars
25 (\$25) to the Fair Trial Tax Fund; two hundred one dollars
26 (\$201) to the State General Fund, ninety-six dollars (\$96) of
27 which shall be for judicial and public safety functions; five

1 dollars (\$5) to the Advanced Technology and Data Exchange
2 Fund; and seventeen dollars (\$17) to the county general fund.

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

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

24 "(10) For any fifty dollar (\$50) fee collected for
25 each additional plaintiff in civil cases filed in the district
26 court, including small claims cases where the amount in
27 controversy exceeds three thousand dollars (\$3,000), as well

1 as, any fifty dollar (\$50) fee for any party filing a
2 dispositive motion, i.e. a motion for a judgment on the
3 pleadings, a default judgment, or a summary judgment,
4 forty-five dollars (\$45) shall be distributed to the State
5 General Fund for judicial and public safety functions and five
6 dollars (\$5) shall be distributed to the county general fund.

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

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

20 Section 2. This act shall become effective January
21 1, 2017, following its passage and approval by the Governor,
22 or its otherwise becoming law.