

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

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

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) fifteen thousand dollars (\$15,000)~~,
21 exclusive of interest and costs, and shall exercise original
22 jurisdiction concurrent with the district court in all civil
23 actions in which the matter in controversy exceeds six
24 thousand dollars (\$6,000), exclusive 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)~~ fifteen thousand
8 dollars (\$15,000), exclusive of interest and costs, and civil
9 actions based on unlawful detainer; except, that the district
10 court shall not exercise jurisdiction over any of the
11 following matters:

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

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

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

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

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

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

25 "c. Summary motion proceedings.

26 "d. Relieving disabilities of nonage.

27 "(3) Actions seeking declaratory judgments.

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

2 "§12-19-71.

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

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

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

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

1 ~~(\$20,000)~~ fifteen thousand dollars (\$15,000); provided,
2 however, if attorney fees have been allowed by applicable
3 state law or contract, the amount of these fees shall be added
4 to the amount of the matter in controversy above in
5 determining the jurisdictional amount.

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

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

23 "(5) One hundred forty-five dollars (\$145) for cases
24 filed on the domestic relations docket of the circuit court in
25 which the circuit clerk determines that the cases are
26 uncontested at the time of filing. A case is considered

1 uncontested if a complaint, an answer, and an agreement of the
2 parties is filed in the circuit court.

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

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

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

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

21 "(10) Fifty dollars (\$50) on a dispositive motion
22 seeking (a) a judgment on the pleadings pursuant to Rule
23 12(c), Alabama Rules of Civil Procedure, (b) a default
24 judgment pursuant to Rule 55(b), Alabama Rules of Civil
25 Procedure, and/or (c) a summary judgment pursuant to Rule 56,
26 Alabama Rules of Civil Procedure, and filed by any party in a
27 civil action of the district or circuit court, except for

1 small claims cases where the amount in controversy does not
2 exceed three thousand dollars (\$3,000).

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

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

25 "(13) An additional one hundred dollars (\$100) to be
26 paid at the time the jury is demanded by any party demanding a
27 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)~~ fifteen thousand
13 dollars (\$15,000), twenty-one dollars (\$21) to the Fair Trial
14 Tax Fund; one hundred fifty-nine dollars fifty cents (\$159.50)
15 to the State General Fund, eighty-four dollars fifty cents
16 (\$84.50) of which shall be for judicial and public safety
17 functions; five dollars (\$5) to the Advanced Technology and
18 Data Exchange Fund; and twelve dollars fifty cents (\$12.50) to
19 the county general fund.

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

1 Technology and Data Exchange Fund; and twenty dollars
2 twenty-five cents (\$20.25) to the county general fund.

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

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

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

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

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

22 "(10) For any fifty dollar (\$50) fee collected for
23 each additional plaintiff in civil cases filed in the district
24 court, including small claims cases where the amount in
25 controversy exceeds three thousand dollars (\$3,000), as well
26 as, any fifty dollar (\$50) fee for any party filing a
27 dispositive motion, i.e. a motion for a judgment on the

1 pleadings, a default judgment, or a summary judgment,
2 forty-five dollars (\$45) shall be distributed to the State
3 General Fund for judicial and public safety functions and five
4 dollars (\$5) shall be distributed to the county general fund.

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

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

18 Section 2. This act shall become effective January
19 1, 2017, following its passage and approval by the Governor,
20 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 07-FEB-17

Read for the second time and placed
on the calendar 1 amendment 16-FEB-17

Read for the third time and passed
as amended..... 15-MAR-17

Yeas 97, Nays 1, Abstains 0

Jeff Woodard
Clerk