

1 SB468
2 118542-1
3 By Senator Little (Z)
4 RFD: Judiciary
5 First Read: 23-FEB-10

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8 SYNOPSIS: Existing law provides the circuit and
9 district courts with either exclusive or concurrent
10 jurisdiction over certain amounts in controversy.

11 This bill would increase the amount in
12 controversy over which the courts have concurrent
13 jurisdiction.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Sections 12-11-30 and 12-12-30 of the Code
20 of Alabama 1975, relating to civil jurisdiction in the circuit
21 or district court; to increase the amount in controversy over
22 which the courts have concurrent jurisdiction.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 12-11-30 and 12-12-30 of the
25 Code of Alabama 1975, are amended to read as follow:

26 "§12-11-30.

1 "(1) CIVIL. The circuit court shall have exclusive
2 original jurisdiction of all civil actions in which the matter
3 in controversy exceeds ~~ten thousand dollars (\$10,000)~~ fifty
4 thousand dollars (\$50,000), exclusive of interest and costs,
5 and shall exercise original jurisdiction concurrent with the
6 district court in all civil actions in which the matter in
7 controversy exceeds three thousand dollars (\$3,000), exclusive
8 of interest and costs.

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

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

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

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

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

13 "§12-12-30.

14 "The original civil jurisdiction of the district
15 court of Alabama shall be uniform throughout the state,
16 concurrent with the circuit court, except as otherwise
17 provided, and shall include all civil actions in which the
18 matter in controversy does not exceed ~~ten thousand dollars~~
19 ~~(\$10,000)~~ fifty thousand dollars (\$50,000), exclusive of
20 interest and costs, and civil actions based on unlawful
21 detainer; except, that the district court shall not exercise
22 jurisdiction over any of the following matters:

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

24 "a. Equitable questions arising in juvenile cases
25 within the jurisdiction of the district court.

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

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

7 "a. Actions based in negligence against
8 municipalities.

9 "b. Actions seeking substitution of lost or
10 destroyed records or instruments.

11 "c. Summary motion proceedings.

12 "d. Relieving disabilities of nonage.

13 "(3) Actions seeking declaratory judgments.

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

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