

1 HB86
2 181289-1
3 By Representative Fridy
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 02/06/2017

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8 SYNOPSIS: This bill would specify that in counties
9 where the judge of probate is either required to be
10 an attorney or is a licensed attorney, the judge of
11 probate court would have the same power to punish
12 for civil contempt as granted to the judges of the
13 circuit courts.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 Relating to the judges of probate in counties where
20 the judge of probate is a licensed attorney; to amend Section
21 12-13-9, Code of Alabama 1975, to provide that when the judge
22 of probate is an attorney, the judge of probate would have the
23 same power to punish for civil contempt as judges of the
24 circuit courts.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 12-13-9, Code of Alabama 1975, is
27 amended to read as follows:

1 "§12-13-9.

2 "(a) The probate court may issue show cause orders
3 and attachment for contempts offered to the court or its
4 process by any executor, administrator, guardian, or other
5 person and may punish the ~~same~~ person by a fine not exceeding
6 ~~\$20.00~~ twenty dollars (\$20) and imprisonment not exceeding 24
7 hours, or both.

8 "(b) In all cases or other proceedings in the
9 probate court of a county where the judge of probate is a
10 licensed attorney in this state, the judge of probate shall
11 have the same power to punish for civil contempt as granted to
12 a judge of the circuit court pursuant to Section 12-11-30 or
13 other law or as provided by the common law of this state."

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.