

Gavel to Gavel

A review of state legislation affecting the courts

Week ending April 1, 2011

Volume 5, Issue 14

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

[Kansas HB 2087](#) ORIGINAL: Defines “foreign law,” “legal code” or “system” means any law, legal code or system of a jurisdiction outside of any state or territory of the United States, including, but not limited to, international organizations and tribunals and applied by that jurisdiction’s courts, administrative bodies or other formal or informal tribunals. Provides “Any court, arbitration, tribunal or administrative agency ruling or decision shall violate the public policy of this state and be void and unenforceable if the court, arbitration, tribunal or administrative agency bases its rulings or decisions in the matter at issue in whole or in part on any law, legal code or system that would not grant the parties affected by the ruling or decision the same fundamental liberties, rights and privileges granted under the United States and Kansas constitutions.” AMENDED: Same, but adds “Nothing in this act shall be construed to disapprove of or abrogate any appellate decision previously rendered by the supreme court of Kansas.” Approved by full House 3/30/11.

[New Hampshire CACR 14 \(Constitutional Amendment\)](#) Provides legislature alone shall define reasonable standards for elementary and secondary public education, establish reasonable standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity. Approved by full Senate 3/30/11.

Qualifications and Terms: Newly Introduced

NONE

Qualifications and Terms: Floor and Committee Activity

[Arizona HB 2424](#) Provides that if county wishes to create a probate court, each judge serving in that court must first demonstrate competence in all areas of probate jurisprudence as prescribed by the supreme court. Establishes a probate advocacy panel to recommend ways to improve the probate system through statutory changes. Approved by Senate Appropriations Committee 3/29/11.

[Florida HJR 47 \(Constitutional Amendment\)](#) ORIGINAL: Increases to 10 years the period of time that a person must be a member of The Florida Bar before becoming eligible for the offices of circuit court (currently, 5 years) or county court (currently, need only be bar member) judge. AMENDED: Increases to 8 years the period of time that a person must be a member of The Florida Bar before becoming eligible for the offices of circuit court circuit court or county court judge. Provides qualifications changes do not affect any judge qualified to hold office as of January 2013 and allows judges to continue to be re-elected to their offices. Approved as amended by House Judiciary Committee, Civil Justice Subcommittee 3/30/11.

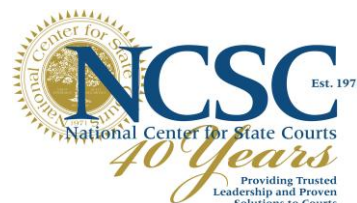


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[Georgia HB 149](#) Provides magistrates other than the chief magistrate who are appointed by the chief magistrate with the consent of the judges of the superior court may be terminated without cause upon petition by the chief magistrate to the chief judge of the superior court of the circuit in which the magistrate sits. Approved by Senate Committee on Judiciary 3/30/11.

[Georgia SB 30](#) Requires municipal court judges to be attorneys. Allows those non-attorney judges currently serving to continue in service. Provides any judge serving as of June 2011 may continue to serve. Approved by full House 3/30/11. To Governor for approval.

[Montana HB 480](#) Provides a clerk of a justice's court of record acting as a judge pro tempore may not preside over a trial but may preside over an initial appearance. Allows for temporary appointment of a justice of the peace of a court not-of-record into a justice of the peace court-of-record. Approved by full Senate 3/31/11. To Governor for approval.

Rule Making Authority: Newly Introduced

[Florida SJR 2084 \(Constitutional Amendment\)](#) Reduces from two-thirds to three-fifths the vote threshold required for the Legislature to enact a law repealing a rule of court and to prohibit the Supreme Court from readopting a rule repealed by the Legislature for a prescribed period. In Senate Judiciary Committee.

[Minnesota HB 1298](#) Provides Board of Judicial Standards would review judge's compliance with time-to-disposition requirements monthly. Creates progressive system of discipline for judges who fail to meet standards. In House Judiciary Policy and Finance Committee.

[North Carolina HB 517](#) Grants clerk of superior court power to prescribe times and places at which magistrates shall be available for the performance of their duties, consistent with the salaries set by the Administrative Officer of the Courts. Extends Judicial Standards Commission authority to include magistrates. In House Committee on Judiciary Subcommittee B.

Rule Making Authority: Floor and Committee Activity

[Ohio HB 5](#) Requires the Ohio Judicial Conference periodically adjust the dollar amounts specified in the general exemption statute and to provide consolidated references to Revised Code sections that establish costs and fees, other than attorney fees, in the courts of record of this state. Approved by full House 3/29/11.

[Oklahoma HB 1234](#) Authorizes district courts to use videoconferencing between a courtroom and a correctional or juvenile detention facility to conduct proceedings. Requires a waiver from the defendant or juvenile of the right to be present in the courtroom for a hearing is prior to conducting such proceedings. Provides for the promulgation of rules and procedures by the Administrative Office of the Courts. Approved by Senate Judiciary Committee 3/28/11.

[Oregon HB 2690](#) Allows Chief Justice of Supreme Court to adopt rules governing use of electronic applications for all records of courts and for transmission of jury information to circuit courts. Allows Chief Justice to establish reasonable subscription fees, and other user and transaction fees, for remote access to case information and other Judicial Department forms, reports and services that are available in electronic form. Provides that master jury list

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for county may be composed of all names on source lists or group of randomly selected names from source lists. Allows State Court Administrator to establish procedures for destruction of state court records, not just circuit court records. Modifies laws on filing of transcript on appeal to allow electronic filing of transcript. Approved by House Judiciary Committee 3/29/11.

[Texas SB 791](#) Provides rules adopted by the supreme court are to be made available to those requesting the electronically in lieu of paper copies. Approved by full Senate 3/31/11.

Salary and Budget: Newly Introduced

[Alabama HB 414](#) Reduces employer contribution rates into the Judicial Retirement Fund (JRF). In House Ways and Means Committee.

[California SB 384](#) Requires the payment of a single complex case fee on behalf of all plaintiffs in a civil case. In Senate Rules Committee.

[Florida SB 7104](#) Requires operational audits Florida Clerks of Court Operations Corporation at least every three years. Deletes the requirement for the Auditor General to conduct audits of the caseload reports made by court clerks to the Supreme Court. Deletes obsolete requirements that the Florida Clerks of Court Operations Corporation submit an annual audited financial statement to the Auditor General and that the Auditor General conduct an annual audit of the operations of the corporation. In Senate Budget Committee.

[Nevada SB 436](#) Transfers the responsibility to deposit certain money for the purpose of paying pension benefits to justices of the Supreme Court or district judges from the State of Nevada to the Court Administrator. In Senate Committee on Finance.

[Pennsylvania HB 1229](#) Imposes \$11.25 surcharge on certain court fees/fines to pay for Access to Justice Account, Public Integrity Commission, and Judicial Computer System Augmentation Account. In House Judiciary Committee.

Salary and Budget: Floor and Committee Activity

[Arkansas HB 1017](#) ORIGINAL: Requires creation of searchable database for all state government revenues and expenditures, including those of courts. AMENDED: Requires creation of searchable database for expenditures of state-supported institutions of higher education only. Approved as amended by full Senate 3/31/11. To Governor for approval.

[Arkansas HB 1701](#) Makes numerous changes to Arkansas District Courts Accounting Law. Approved by full Senate 3/31/11. To Governor for approval.

[Arkansas HB 1859](#) ORIGINAL: Provides expenditures from the circuit court and district court automation funds shall be approved by the administrative circuit judge of each judicial circuit or district judge (as applicable) and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures. Allows AOC to charge any fee (currently limited to \$10) for e-payment of fines. AMENDED: Same, but also changes amounts of various court costs. Approved by full Senate 3/31/11. To Governor for approval.

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[Arkansas HB 2096](#) Sets salaries for judges and court personnel. House concurs with Senate amendment 3/31/11. To Governor for approval.

[Florida HB 19](#) Authorizes each county commissioner, circuit court clerk, county comptroller, sheriff, supervisor of elections, property appraiser, & tax collector to reduce his or her salary on voluntary basis. Approved by House State Affairs Committee 3/31/11.

[Florida HB 107](#) Specifies the level of detail for each fund in the clerk of the court's budget. Requires the court clerk's approved budget be posted on a county's website. Approved by House Economic Affairs Committee 3/31/11.

[Florida HB 5405](#) Redirects proceeds from specified service charge & additional filing fees from Court Education Trust Fund to State Courts Revenue Trust Fund. Redirects proceeds from part of certain filing fees from state courts' Mediation & Arbitration Trust Fund to State Courts Revenue Trust Fund. Deletes obsolete provision relating to use of moneys in Mediation & Arbitration Trust Fund. Approved by House Appropriations Committee 3/30/11.

[Florida HB 5409](#) Transfers Clerks of Court Trust Fund to Department of Revenue. Provides additional powers & duties of Legislative Budget Commission. Revises distributions of filing fees for trial & appellate proceeding. Deletes provisions providing for housing Florida Clerks of Court Operations Corporation within Justice Administrative Commission. Revises membership of corporation's executive council. Specifies that corporation is subject to certain procurement requirements. Revises & expands budget duties & responsibilities of corporation, etc. Approved by House Appropriations Committee 3/30/11.

[Florida SB 1314](#) Prohibits an agency or branch of state government, without legislative authority, from contracting to pay liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement. Requires judicial branch notify the Governor and Legislature before entering into contracts containing certain provisions relating to expenditures. Expands statement judiciary must include in state contracts to include grounds for terminating the contract based on budget deficits. Approved by Senate Budget Committee 4/1/11.

[Georgia SB 50](#) Resorts priorities of distribution of fines, forfeitures, surcharges, additional fees, and costs in cases of partial payments into the court, so as to add certain fees for funding of local victim assistance programs into the list of priorities;. Approved by House Committee on Judiciary 3/30/11.

[Hawaii HB 1038](#) Amends retirement benefits for judges and other state/county employees who become members of the employees' retirement system after June 30, 2012. Approved by Senate Ways and Means Committee 4/1/11.

[Hawaii SB 946](#) Establishes the access to justice trust fund under the judiciary as an endowment, to be administered by a nonprofit entity. Requires investment of the principal. Authorizes disbursement of interest earned to fund nonprofit legal service organizations to assist with the legal services needs of the poor, indigent, and other vulnerable populations Approved with House amendment by House Judiciary Committee 3/29/11.

[Hawaii SB 1073](#) ORIGINAL: Increases the amount of surcharges for indigent legal fees. AMENDED: Same, but make effective January 7, 2059. Approved as amended by House Finance Committee 3/30/11.

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[Indiana HB 1004](#) Requires creation of website that lists all state and local expenditures and fund balances, include the judicial branch and courts. Approved by full House 3/30/11.

[Indiana SB 549](#) Consolidates judges' retirement fund and 9 other retirement funds into a new Indiana Public Retirement System. Approved by House Committee on Employment, Labor and Pensions 3/28/11.

[Kansas HB 2393](#) Eliminates longevity bonus for judicial employees and others. Approved as amended by House Committee on Appropriations 3/28/11.

[Kansas SB 97](#) ORIGINAL: Extends the Judicial Branch surcharge through FY 2012. AMENDED: Same, but defers increase in Court of Appeals to 13 judges until 2012 and to 14 judges until 2013. Increases the Judicial Branch Surcharge 25% in FY 2012. Approved as amended by House Committee on Appropriations 3/31/11.

[Maryland HB 523](#) Requires the State Court Administrator to assess a \$100 fee for the special admission of an out-of-state attorney and to pay \$75 of the fee into the Janet L. Hoffman Loan Assistance Repayment Program. Approved by Senate Judicial Proceedings Committee 3/29/11. Approved by full Senate 4/1/11. To Governor for approval.

[Maryland HB 1317](#) Creates a cash balance plan under the State Retirement and Pension System and requires circuit court clerks join it. Rejected by House Appropriations Committee 4/1/11.

[Mississippi SB 2554](#) Requires creation of online database that allows the public to search all expenditures made by courts and other branches/agencies. House and Senate concur in conference report 3/31/11. To Governor for approval.

[Oklahoma HB 1005](#) Creates the Task Force on Pension Benefit Funding and Security to examine Judges and Justice Retirement System and other systems. Rejected by Senate Retirement and Insurance Committee 3/31/11.

[Oklahoma SB 498](#) Changes the rate of pay a court reporter receives for temporary employment by a district court, workers comp court, or corporation commission, from a set rate of \$57.60 per day to a rate "to be set by such court." Approved by House Judiciary Committee 3/29/11.

[Texas HB 904](#) Increases municipal court building security fund fee conviction from \$3 to \$4. Approved by full House 3/30/11.

Selection: Newly Introduced

[North Carolina SB 419](#) Ends public financing for judicial races. In Senate Committee on Judiciary I.

[North Carolina SB 458](#) Creates merit selection system for appellate courts. Provides for yes/no retention elections. Grants governor power to appoint chief justice from among justices of supreme court. In Senate Committee on Judiciary I.

Selection: Floor and Committee Activity

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[Arizona SB 1482](#) Provides not later than sixty days preceding the regular primary election for the retention of an appellate court judge, the commission on judicial performance review shall prepare and publish on its website a list of the decisions of that appellate court judge including the decision's official citation and an electronic copy of the entire text of the decision. Approved by House Rules Committee 3/28/11.

[Florida SJR 1664 \(Constitutional Amendment\)](#) Ends merit selection system for future supreme court and district courts of appeals. Future judges to be appointed by governor and confirmed by Senate. Keeps retention elections. Approved by Senate Judiciary Committee 3/28/11.

Structure Changes: Newly Introduced

[Florida HB 7199](#) Renames existing supreme court the Supreme Court of Civil Appeals and creates a second court of last resort (a Supreme Court of Criminal Appeals). Provides courts would be made up of five justices selected using the existing merit selection system, each with its own judicial nominating commission. Provides three most senior justices of the existing supreme court would transfer to the new Supreme Court of Criminal Appeal and the existing supreme court's pending caseload divided. In House Judiciary Committee.

[Nevada AJR 7 \(Constitutional Amendment\)](#) Creates intermediate appellate court. In Assembly Committee on Judiciary.

[Nevada SJR 14 \(Constitutional Amendment\)](#) Creates intermediate appellate court. In Senate Committee on Judiciary.

[Pennsylvania HB 1217](#) Permits but does not require creation of mental health court divisions in courts of common pleas. In House Judiciary Committee.

Structure Changes: Floor and Committee Activity

[Arkansas HB 1869](#) Ends pilot program of converting certain counties/courts into District Courts. Creates District Courts for all counties in state incrementally with full implementation set for 2017. Approved by Senate Committee on Judiciary 3/29/11. Approved by full Senate 3/29/11. House concurs with Senate amendments 3/31/11. To Governor for approval.

[Arkansas HB 1994](#) Creates DUI Court program. Approved by House Committee on Judiciary 3/29/11. Approved by full House 3/30/11. Vote “expunged” by House. Senate returned bill to House 4/1/11.

[Arkansas SB 679](#) Allows any district judge, if authorized by administrative judge for district, to preside over a drug court. Approved by House Committee on Judiciary 3/31/11. Approved by full House 4/1/11. To Governor for approval.

[Georgia SB 39](#) Permits creation of mental health court divisions in any court with criminal jurisdiction. Approved by House Committee on Judiciary 3/30/11.

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[Oklahoma HB 1555](#) Authorizes creation of veterans' treatment courts in all judicial districts. Approved by Senate Veterans and Military Affairs Committee 3/31/11.

[Texas HB 984](#) Allows municipalities contiguous to one another to establish concurrent jurisdiction of their municipal courts. Approved by full House 3/30/11.

Other: Newly Introduced

[Delaware HB 64](#) Provides for courts in state "Law clerks hold major, non-tenured advisory positions for the [judges/justices of courts]. The [court] may appoint and remove at pleasure such judicial law clerks as shall be necessary for the proper operation of the Court." In House Judiciary Committee.

[Florida SB 7120](#) Creates the Judicial Caseload Incentive Plan to resolve certain civil disputes in a timely manner by setting performance goals and making nonrecurring financial awards to judges. Provides that the Office of State Court Administrator will pay court appointed counsel attorney fees when the court orders payments above the rate set in law. Redirects a portion of fine revenues from the Public Records Modernization Trust Fund to the Clerks of Court Trust Fund. Requires the Clerks of Court Operations Corporation to collect existing clerk of court reports on county use of fees to support court facilities and submit them to the chief judge, the Governor, the President of the Senate, and the Speaker of the House of Representatives. In Senate Budget Committee.

[Montana SJ 26](#) Directs Joint Subcommittees on Appropriations monitor the Court Help Program and the Water Courts during interim. In Senate Finance and Claims Committee.

[North Carolina SB 478](#) Creates Office of Prosecution Services within the Judicial Department. In Senate Committee on Judiciary I.

[Pennsylvania HB 1186](#) Extends some existing procurement/bidding laws to judiciary. Provide "Judicial agencies" including courts may formulate their own procurement policy but must comply with newly created Board of Commissioners of Procurement, Public Grounds and Buildings in other respects. In House State Government Committee.

Other: Floor and Committee Activity

[Arkansas SB 517](#) Removes requirement that additional training program for court security officers be recommended by the Supreme Court Security and Emergency Preparedness Advisory Committee. Deletes various references to municipal and police courts. Approved by full House 3/28/11. Senate concurs with House amendment 3/31/11. To Governor for approval.

[Arizona SCR 1001 \(Constitutional Amendment\)](#) ORIGINAL: Allows state school fund to be used for high schools. AMENDED:

Terms- Increases to 8 years the term of office for Supreme, Court of Appeals, and Superior Court judges starting in 2013.

Commission on appellate court appointments- Removes the requirement that the attorney members be nominated by the board of governors of the Arizona state bar. Specifies that if a vacancy occurs for a nonattorney or attorney position, the committee must solicit, review and forward the governor all of the recommendations made by the

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Arizona bar for attorney members and all applications for attorney and nonattorney members along with the committee's recommendations for appointment. Increases the time period those attorney members must be admitted to practice from 5 to 10 years. Specifies that attorney members must be in good standing of the state bar, have no formal disciplinary charges and have never been subject to sanction. Specifies that members of the commission must serve staggered four-year terms. Requires the commission on appellate court appointments to submit at least eight nominees to the governor to fill each vacancy, within 60 days of any vacancy in the office of a justice or judge of the Supreme Court or appellate court. Allows the commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote. Requires the commission to nominate any applicant who receives a majority vote. Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time.

Commission on trial court appointments- Submit at least eight nominees to the governor to fill each vacancy that occurs, within 60 days of any vacancy in the office of a judge of the superior court or a judge of a court of record inferior to the superior court in a county having less than 250,000. Allows the commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote. Requires the commission to nominate any applicant who receives a majority vote. Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time. Permits the governor to make an appointment from any of the nominees presented for any of the vacancies in that court, if more than one vacancy exists in the same court at the same time. Removes the provisions relating to the four-year staggered terms of the members. Increases the time period those attorney members must be admitted to practice from 5 to 10 years. Specifies that attorney members must be in good standing of the state bar, have no formal disciplinary charges and have never been subject to sanction.

Supreme Court- Must make available on its website, every opinion or order that is issued by a judge of a court of record and that is not sealed. Must transmit a copy of the judicial performance review of each justice and judge who is up for retention to the President of the Senate and the Speaker of the House of Representatives, no later 60 days before the regular primary election.

Legislature- Requires a joint legislative committee consisting of the Senate and House Judiciary committees to meet and take testimony on the justices and judges up for retention. Specifies that the joint committee is to meet no later than 60 days prior to the regular general election for the retention of justices and judges. Approved as amended by House Judiciary Committee 3/24/11.

[Arizona SCR 1002](#) ORIGINAL: Strikes references to "solider, seamen, or marine" in constitution and replaces with "military personnel". AMENDED:

Superior Court/Commission on Trial Court Appointments- Requires that judges of the Superior Court in counties of less than 600,000 be elected by the qualified electors of their county at the general election. Mandates the Governor to fill any vacancy in a county having a population of less than 600,000 persons by appointing a person to serve until the next election. Stipulates that judges of the Superior Court in a county with a population of more than 600,000 persons will be appointed. Allows judges currently holding office in Superior Court in counties with less than 600,000 persons to continue to serve the remainder of their term, but shall not be eligible for retention. Stipulates beginning in the next election, vacancies shall be filled and successors shall be elected. Exempts counties with a population of 600,000 persons or less from certain vacancy filling procedures in reference to the Commission on Trial Court Appointments. Grants counties with less than 600,000 the option to choose to select its judges of the Superior Court as if it has a population of more than 600,000 persons. Requires a nonpartisan Commission on Trial Court Appointments for each county having a population of 600,000 or more. Removes the language relating to the terms of appointment of the five non attorney members and two attorney members from the commission on trial court appointments.

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Appellate Court Selection- States that within 60 days of a vacancy of either a justice from the Supreme Court or a judge of an intermediate appellate court, the Commission on Appellate Court appointments must submit to the Governor a list of no less than three persons nominated to fill the vacancy.

Other- Clarifies that any judge, justice or justice of the peace in office at the time of the adoption of an amendment to this section will continue to serve; as well as any judge, justice or justice of the peace that is elected in the same election that this is adopted will serve their terms. Exempts a justice or judge holding office in a county having a population of less than 600,000 persons from having to forfeit office upon filing papers for nomination of an elective office. Exempts justices or judges that are holding office currently in a county having a population of less than 600,000 and wish to be candidates in the next election to file with the Secretary of State. Clarifies that in the absence or incapacity of the chairman of the Commission on Trial Court Appointments the Supreme Court must appoint a Supreme Court Justice to take the place as chairman. Approved as amended by House Judiciary Committee 3/24/11.

[Colorado SB 82](#) Specifically authorizes state auditor for assess, confirm, and report on security practices of all IT systems, including those of the judicial branch. Approved by full House 3/30/11. To Governor for approval.

[Georgia HB 339](#) Revises the courts to which a challenge of a quarantine or vaccination order may be brought and manner of appealing orders concerning such challenges. Removes chief judge of the court of appeals' power to declare judicial emergencies. Provides extensions of judicial emergencies by chief justice may only last as long as governor has declared state of emergency. Approved by Senate Committee on Judiciary 3/28/11. Approved by full Senate 3/31/11. To Governor for approval.

[Georgia SB 47](#) Changes provisions relating to the composition and responsibilities of the Georgia Magistrate Courts Training Council. Approved by House Committee on Judiciary 3/30/11.

[Hawaii HCR 202](#) Requests Supreme Court study implementation of Hawaii Uniform Collaborative Law Act. Approved by House Committee on Judiciary 3/31/11.

[Hawaii HR 174](#) Requests Supreme Court study implementation of Hawaii Uniform Collaborative Law Act. Approved by House Committee on Judiciary 3/31/11.

[Hawaii SB 11](#) ORIGINAL: Transfers responsibility for judiciary security personnel from department of public safety to newly created office of the sheriff within the department of the attorney general. AMENDED: Creates a task force to determine whether a new Department of the Sheriff is needed, and if its establishment is feasible and needed, to begin the planning process. Approved as amended by House Finance Committee 3/30/11.

[Indiana HB 1266](#) Makes numerous changes to laws related to judiciary. Changes the expiration date of the commission on courts from June 30, 2011, to June 30, 2015. Provides that all circuit courts, superior courts, and probate courts have: (1) original and concurrent jurisdiction in all civil cases and in all criminal cases; (2) de novo appellate jurisdiction of appeals from city and town courts; and (3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts. Makes conforming amendments. Repeals the law concerning the establishment and operation of county courts. (Since January 1, 2009, no county court exists in Indiana.) Makes conforming amendments. Repeals or otherwise removes all provisions that establish a mandatory retirement age for superior court and county court judges. Makes conforming amendments. Establishes a unified circuit court for Clark County by combining the current judge of the Clark circuit court and the three judges of the Clark superior court into a unified circuit court with four judges. Specifies that the Clark superior court judges

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serving on December 31, 2011, serve as judges of the unified circuit court beginning January 1, 2012. Transfers all cases and other matters pending in the Clark superior court at the close of business on December 31, 2011, to the unified circuit court on January 1, 2012. Repeals provisions concerning the establishment and operation of the Clark superior court. Establishes a unified circuit court for Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Madison superior court judges serving on June 30, 2011, serve as judges of the unified circuit courts beginning July 1, 2011. Transfers all cases and other matters pending in the Madison superior court at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. Repeals provisions concerning the establishment and operation of the Madison superior court. Establishes a unified circuit court for Henry County by combining the current judge of the Henry circuit court and the two judges of the Henry superior court into a unified circuit court with three judges. Specifies that the Henry superior court judges serving on June 30, 2011, serve as judges of the unified circuit court beginning July 1, 2011. Transfers all cases and other matters pending in the Henry superior court at the close of business on June 30, 2011, to the circuit court on July 1, 2011. Repeals provisions concerning the establishment and operation of the Henry superior court. Provides for the four judges of the Lake superior court county division to be: (1) nominated by the Lake County superior court judicial nominating commission and appointed by the governor; and (2) subject to the question of retention or rejection by the Lake County electorate every six years. (Current law provides that the judges of the Lake superior court county division are elected by the electorate of Lake County every six years.) Repeals provisions concerning elected judges of the county division. Makes conforming amendments. Approved by full Senate 3/29/11. To House to concur with Senate amendments.

[Maryland SB 919](#) Requires the clerk of the court, when making a specified record of the refusal of a spouse to testify in a specified assault trial, to forward a copy of the record to the Administrative Office of the Courts. Requires the Administrative Office of the Courts to maintain a specified central registry of records relating to the refusal of a spouse to testify in specified assault trials. Rejected by Senate Judicial Proceedings Committee 3/28/11.

[Montana HB 513](#) Provides for acceptance and use of gold and silver by state government. In criminal cases, contempt of court cases, cases involving violation of court rules, or any case in which state is entitled to receive payment, requires payment in electronic gold currency. Rejected by full House 3/29/11.

[New Hampshire HCR 19](#) Declares, in part, that any “Judicial Order by the Judicatories of the United States of America which assumes a power not delegated to the government of United States of America by the Constitution for the United States of America and which serves to diminish the liberty of the any of the several States or their citizens shall constitute a nullification of the Constitution for the United States of America by the government of the United States of America.” Specifies acts which would cause “nullification” and that in the event such an act takes place, “all powers previously delegated to the United States of America by the Constitution for the United States shall revert to the several States individually.” Approved by full House 3/30/11.

[North Carolina HB 33](#) ORIGINAL: Provides justice, judge, clerk, or others may only accept state or U.S. federal government issued ID for identification purposes. AMENDED: Strikes original language. Specifies “The matricula consular or other similar document issued by a consulate or embassy of another country shall not be acceptable for use in determining a person's actual identity” by a justice, judge, clerk, or others. Approved as amended by full House 3/30/11.

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[North Dakota HCR 3036](#) Directs the Legislative Management to study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; and a review of the jury trial process of other states. Approved by full Senate 3/28/11.

[North Dakota SB 2108](#) ORIGINAL: For judge's retirement system, requires member contributions increase by one percent of the judge's monthly salary beginning with the monthly reporting period of January 2012, and increase annually thereafter by an additional one percent, with the final increase taking place beginning with the reporting period of January 2015. AMENDED: Same, but changes January 2015 date to January 2013. Approved by full House 3/31/11. To Governor for approval.

[Oregon HB 2367](#) Requires State Court Administrator to conduct biennial electronic survey of all county law libraries and law library services provided by counties Approved by House General Government and Consumer Protection Committee 3/29/11.

[Texas SB 364](#) Requires courts provide information to department of public safety on the prosecution of certain offenses relating to the operation of a motor vehicle while intoxicated. Approved by full Senate 3/31/11.

[Texas HB 462](#) Sets practice for assignment of assignment of special judges in counties with no statutory county courts or statutory probate courts. Approved by full House 3/30/11.

[Texas SB 1242](#) Provides magistrates enjoy same judicial immunity as judges. Approved by Senate Jurisprudence Committee 3/30/11.

Indicates featured legislation

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