

Gavel to Gavel

A review of state legislation affecting the courts

Week ending July 1, 2011

Volume 5, Issue 27

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

[California SB 221](#) Increases small claims from \$7,500 (generally) to \$10,000 (generally). Approved by full Assembly 6/27/11. To Governor for approval.

Qualifications and Terms: Newly Introduced

NONE

Qualifications and Terms: Floor and Committee Activity

[Ohio HJR 1 \(Constitutional Amendment\)](#) ORIGINAL: Increases judicial retirement age from 70 to 75. AS AMENDED: Increases judicial retirement age from 70 to 76. Approved with Senate amendment by full Senate 6/28/11. House concurs with Senate amendment 6/28/11. To appear on November 2012 ballot.

Rule Making Authority: Newly Introduced

[Pennsylvania HR 351](#) Memorializes the Supreme Court to approve and adopt proposed Rules of Criminal Procedure 113, 513 and 513.1, related to public access to arrest warrants. In House Judiciary Committee.

Rule Making Authority: Floor and Committee Activity

[Delaware HB 217](#) Grants pension increases to retired State Employees and retired Judges on January 1, 2012 for persons retired on or before June 30, 2010. Gives the Board of Pension Trustees the authority for the Judiciary pension plan to amend the growth rate used to determine the general wage increase for individuals as well as the increase in total payroll for the amortization of actuarial gains or losses. Approved under suspension of rules by full House 6/29/11. Approved under suspension of rules by full Senate 6/30/11. To Governor for approval.

Salary and Budget: Newly Introduced

[California SB 93](#) Creates Local Revenue Fund 2011 in the State Treasury and would create the Trial Court Security Account within the Local Revenue Fund 2011. In Senate Committee on Budget.

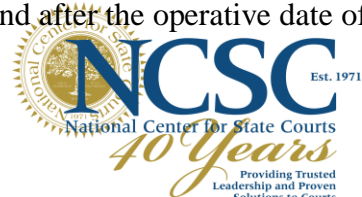
[California SCA 13 \(Constitutional Amendment\)](#) Requires any change to the formula used to calculate the pension benefits of a member of the Judges' Retirement System II or any public retirement system, as defined, that results in an increase in the member's pension benefits shall apply only to service performed on and after the operative date of



Indicates featured legislation

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the change, and would prohibit the retroactive application of that change. alters numerous provisions related to state's retirement systems. In Senate Rules Committee.

[New Jersey AB 4197](#) Provides for new and increased court and application fees to fund Legal Services of New Jersey and to fund the Judiciary's computerized court information systems. In Assembly Judiciary Committee.

[New Jersey SB 2986](#) Reinstates automatic COLA for retirement benefits of members of the State-administered retirement systems, including the judicial retirement system. In Senate State Government, Wagering, Tourism & Historic Preservation Committee.

Salary and Budget: Floor and Committee Activity

[California AB 118](#) Shifts charge on all criminal convictions for court security to instead go towards funding court operations. Creates Local Revenue Fund 2011 in the State Treasury. Creates the Trial Court Security Account within the Local Revenue Fund 2011 to fund trial court security provided by county sheriffs. Assembly concurs with Senate amendments 6/28/11. To Governor for approval.

[California SB 92](#) AS AMENDED: Requires commencing no earlier than July 1, 2011, and no later than December 15, 2012, the State Auditor establish a pilot program to audit 6 trial courts, and based on the results of the pilot program, on or before December 15, 2013, commence audits of all trial courts, as provided. Requires that on or before December 15, 2013, and biennially thereafter, the State Auditor audit the Administrative Office of the Courts, the Habeas Corpus Resource Center, and the appellate courts. Provides these audits are in lieu of statutory requirement that the State Auditor on his or her assessment of the implementation of certain contracting provisions by the judicial branch. Approved by Assembly Budget Committee 6/28/11. Approved by full Assembly 6/28/11. Approved by full Senate 6/28/11. To Governor for approval.

[Iowa SB 533](#) AS AMENDED: Directs department of administrative services to consult with and explore opportunities with the judicial branch relative to the providing of information technology services to the branch. Provides for no increases to certain salaries within the judicial branch. Prohibits issuance of bonus pay for judicial branch and other state employees. Approved with House amendments by full House 6/27/11. Senate concurs in House amendments and adds own amendments 6/27/11. Conference Committee appointed and committee report adopted by House and Senate 6/29/11. To Governor for approval.

[Pennsylvania HB 38](#) Aligns the filing fees with the jurisdictional limits for the Philadelphia Municipal Court and the Magisterial District Judges. The Philadelphia Municipal Court's upper limit for fees is raised from \$10,000 to \$12,000, and the upper limit for Magisterial District Judges' fees is raised from \$8,000 to \$12,000. Approved with Senate amendment by full Senate 6/28/11. House concurs with Senate amendment 6/29/11. To Governor for approval

[Texas SB 1 \(Special Session\)](#) Changes the classification of the Judicial and Court Personnel Training Fund to a dedicated account within the General Revenue Fund. House and Senate approve conference report 6/28/11. To Governor for approval.

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Selection: Newly Introduced

NONE

Selection: Floor and Committee Activity

[Rhode Island SB 686](#) Extends until 2012 law allowing any individual whose name was publicly submitted to the governor by the judicial nominating commission, eligible for subsequent nomination by the governor. Approved by full House 6/29/11. To Governor for approval.

Structure Changes: Newly Introduced

NONE

Structure Changes: Floor and Committee Activity

[California AB 201](#) Authorizes superior courts to develop and implement veterans courts. Approved by Senate Public Safety Committee 6/28/11.

[Rhode Island SB 1095](#) Gives the chief justice of the supreme court the power to assign any magistrate of the superior court, family court, district court, or traffic tribunal to any court of the unified judicial system with the consent of the presiding justice, chief judge, and/or chief magistrate of the relevant courts. Introduced 6/29/11. Approved by Senate Judiciary Committee 6/30/11. Approved by full Senate 6/30/11. Approved by full House 6/30/11. To Governor for approval.

Other: Newly Introduced

[Pennsylvania HB 1756](#) Provides a magisterial district judge may grant a constable access to information contained within the Pennsylvania Justice Network. In House Judiciary Committee.

Other: Floor and Committee Activity

[California AB 1102](#) Includes the Supreme Court, Court of Appeal, Superior Courts, and the Administrative Office of the Courts within the definition of state agency under the Whistleblower Protection Act. Approved with Senate amendment by Senate Committee on Governmental Organizations 6/28/11.

[Delaware SB 116](#) Grants bailiffs, judicial assistants and court security officers powers incident to a peace officer exercisable in any courthouse or property maintained or used as a courthouse within the state. Approved by full House 6/28/11. To Governor for approval.

[Maine SB 297](#) AS AMENDED: Creates the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts. Commission to "study the priority and timing of judicial proceedings in state courts including, but not limited to, judicial proceedings that require priority treatment pursuant to statute." Approved as amended by full House and full Senate 6/29/11. To Governor for approval.

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[Texas HB 79 \(Special Session\)](#) Alters 75+ sections of law related to the Alternative Dispute Resolution for Criminal Matters, Appellate Court Provisions, Associate Judges (Statutory Probate Court Associate Judges, Juvenile Matters Associate Judges, Civil Associate Judges, and Criminal Associate Judges), Court Administration, Court Costs, General Provisions for District Courts, Grant Programs, Inmate Litigation, Provisions Related to Exempting Certain Judicial Officers from Certain Concealed Handgun Licensing Requirements, Provisions Relating to Justice and Small Claims Courts , Statutory County Courts, Study by Office of Court Administration of Texas Judicial System, Suits Affecting the Parent-Child Relationship, and Vexatious Litigants. Approved with Senate amendments by full Senate 6/27/11. House concurs with Senate amendments 6/29/11. To Governor for approval.

[Texas HCR 22 \(Special Session\)](#) Commends the members of the Texas Supreme Court for their actions in support of legal aid services and honors them for their work in promoting access to justice for the state's most vulnerable citizens. Approved by full House 6/27/11. Approved by full Senate 6/28/11. To Governor for approval.

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