

Gavel to Gavel

A review of state legislation affecting the courts

Week ending March 25, 2011

Volume 5, Issue 13

Jurisdiction: Newly Introduced

[Tennessee SJR 141](#) Requests Congress “restrict judicial activism” by submitting following amendment to U.S. Constitution to states for ratification: “In deciding cases under the Constitution and Laws of the United States, the Supreme Court of the United States and all other federal courts exercising authority under Article III of the United States Constitution shall strictly construe the enacted text of any constitutional provision and any statute or other law in interpreting or applying the law of the United States. The text of this Constitution shall be interpreted according to its meaning at the time of its enactment, which meaning shall remain the same until changed pursuant to Article V. This article shall apply to judgments, orders, and opinions of Federal courts made on or after one year after the date of ratification of this article of amendment ____.” In Senate Finance, Ways and Means Committee.

[Tennessee SJR 142 \(Constitutional Amendment\)](#) Proposes amendment to “restrain judicial activism of state judges” to read as follows: “In deciding cases under the Constitution and Laws of the State of Tennessee, the Supreme Court of Tennessee and all other inferior state courts exercising authority under Article VI shall strictly construe the enacted text of any constitutional provision and any statute or other law in interpreting or applying the law of Tennessee. The text of this Constitution shall be interpreted according to its meaning at the time of its enactment, which meaning shall remain the same until changed pursuant to Article XI, Section 3.” In Senate Judiciary Committee.

Jurisdiction: Floor and Committee Activity

[Alabama SB 61 \(Constitutional Amendment\)](#) Defines foreign law as “any law, rule, or legal code, or system established, used, or applied in a jurisdiction outside of the states or territories of the United States, or which exist as a separate body of law, legal code, or system adopted or used anywhere by any people, group, or culture different from the Constitution and laws of the United States or the State of Alabama.” Provides “A court, arbitrator, administrative agency, or other adjudicative, arbitral, or enforcement authority shall not apply or enforce a foreign law if doing so would violate any state law or a right guaranteed by the Constitution of this state or of the United States.” Approved by Senate Committee on Judiciary 3/24/11.

[Alaska HB 88](#) Prohibits a court, arbitrator, mediator, administrative agency, or enforcement authority from applying a foreign law if application of the foreign law would violate an individual's right guaranteed by the Constitution of the State of Alaska or the United States Constitution. Approved by House State Affairs Committee 3/25/11.



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[Kansas HCR 5010 \(Constitutional Amendment\)](#) Provides legislature alone may determine school funding. Specifically proposed to overturn decisions of state's supreme court on subject. Approved by House Committee on Education 3/22/11.

[Montana SB 238](#) Increases jurisdictional limit for justice court from \$7,000 to \$12,000; for small claims from \$3,000 to \$7,000; for city court from \$5,000 to \$9,500. Approved with House amendment by full House 3/22/11. To Senate to concur with House amendment.

[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 Senate Internal Affairs Committee 3/22/11.

[North Dakota SB 2305](#) Requests legislative management study on the extension of juvenile court jurisdiction and the extent of juvenile court jurisdiction in other states. Approved by full House 3/18/11.

Qualifications and Terms: Newly Introduced

[Alabama SB 266 \(Constitutional Amendment\)](#) Increases mandatory judicial retirement age from 70 to 75. In Senate Judiciary Committee.

Qualifications and Terms: Floor and Committee Activity

[Arizona HB 2352](#) Removes the requirement that an appointed court commissioner have engaged in active general practice for at least three years before being appointed. Requires that an appointed commissioner be an Arizona resident for five years before taking office. Increases the term in which an appointed commissioner must have been admitted to practice law in Arizona from three to five years. Approved by Senate Judiciary Committee 3/21/11.

[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 full House 3/21/11.

[Florida HB 7113](#) Repeals provisions relating to restricting practice of law by retired justices, requirement to appoint Clerk of Supreme Court, requirement that clerk have office in Supreme Clerk Building, requirement that clerk perform duties as directed by court, & provision by which rules of court supersede statutes. Approved by House Judiciary Committee 3/24/11.

[Kansas SB 83](#) ORIGINAL: Repeals requirement that retired judges and justices wishing to return to temporary service enter into an agreement within five years of retirement; or if they didn't sign up prior to retirement, they enter an agreement within 30 days prior to their anniversary date of retirement. COMMITTEE AMENDED: Same, but requires agreements to serve be approved by chief justice with approval of majority of supreme court. FLOOR AMENDED: Same as committee, but also ends merit selection system for future Court of Appeals judges. (current judges would still be subject to retention elections). Future judges to be appointed by governor

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and confirmed by Senate. Approved as amended by full House 3/23/11. Senate does not concur with House amendment. To Conference.

[Maryland HB 930 \(Constitutional Amendment\)](#) Requires judges of the Orphans' Courts *in Baltimore County only* be attorneys. Rejected by House Judiciary Committee 3/25/11.

[Maryland SB 832 \(Constitutional Amendment\)](#) Requires judges of the Orphans' Courts *in Baltimore County only* be attorneys. Rejected by Senate Judicial Proceedings Committee 3/21/11.

[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 Senate Judiciary Committee 3/24/11.

Rule Making Authority: Newly Introduced

NONE

Rule Making Authority: Floor and Committee Activity

[Maryland HB 22](#) Requires the Administrative Office of the Courts, on or before January 1, 2012, to design uniform subpoena procedures and forms to be provided to and used in the circuit courts of the State in subpoenaing a person for a criminal, civil, or traffic matter. Approved by full House 3/24/11.

Salary and Budget: Newly Introduced

[Connecticut SB 1219](#) Authorizes the Judicial Branch to lease its own facilities. In Joint Committee on Judiciary.

[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. In House Appropriations Committee.

[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. In House Appropriations Committee.

[Michigan HB 4484](#) Eliminates tax exemption for judicial pensions. Provides that distributions from employer contributions, earnings on those contributions, and distributions from employee contributions and earnings on those employee contributions would be subject to state tax, as of January 1, 2012. (Currently, they are exempt from state, county, municipal, or other local taxes.) Requires an employer to contribute four percent of salary to a participant's Tier 2 (defined contribution system) account. Allows an employee to contribute up to three percent of salary to the account and requires the employer to match the amount contributed by the employee. In House Committee on Tax Policy.

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[Minnesota HB 1256](#) Modifies judges and employees retirement plans member and employer contribution rates. In House Government Operations and Elections Committee.

Salary and Budget: Floor and Committee Activity

[Arkansas HB 1701](#) Makes numerous changes to Arkansas District Courts Accounting Law. Approved by full House 3/25/11.

[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 - Government Operations Subcommittee 3/25/11.

[Florida HB 4135](#) Repeals statute that the salary of a judicial marshal of district court of appeals is to be set by law. Approved by full House 3/24/11.

[Florida HB 4137](#) Repeals statute that the salary of a judicial marshal of supreme court is to be set by law. Approved by full House 3/24/11.

[Florida HB 7061](#) Re-creates the State Courts Revenue Trust Fund within the state courts system without modification. Abrogates provisions relating to the termination of the trust fund to conform. Approved by House Appropriations Committee 3/24/11.

[Florida SB 962](#) Repeals statute that the salary of a judicial marshal of supreme court is to be set by law. Approved by Senate Judiciary Committee 3/22/11.

[Florida SB 974](#) Repeals statute that the salary of a judicial marshal of district court of appeals is to be set by law. Approved by Senate Judiciary Committee 3/22/11.

[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 Judiciary and Labor Committee 3/22/11.

[Hawaii HB 301](#) Directs into the judiciary computer system special fund fees collected for electronic document certification, electronic copies of documents, and for providing bulk access to electronic court records and compilations of data. Approved by Senate Judiciary and Labor Committee 3/23/11.

[Hawaii HB 575](#) Extends the five per cent legislative salary decrease from June 30, 2011, to June 30, 2013. Applies the five per cent salary reduction to executive and judicial branch positions. Approved by Senate Judiciary and Labor Committee 3/22/11.

[Hawaii SB 1341](#) Amends retirement benefits for judges and other state/county employees who become members of the employees' retirement system after June 30, 2012. Approved by House Labor Committee 3/24/11.

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[Montana HB 343](#) Provides for “partial” zero-based budgets in judicial branch and other branches/agencies. Approved by full House 3/24/11.

[Montana HB 444](#) Creates budget database website for all judicial and other government budgets and expenditures. Approved by full House 3/24/11.

[New Mexico SB 465](#) Provides that “local government corrections fund” (administered by the administrative office of the courts) be distributed to counties only and not municipalities. Approved by House Taxation and Revenue Committee 3/19/11.

[North Dakota SCR 4001](#) Directs the Legislative Management to study the imposition of fees by courts at sentencing and other fees that are imposed upon offenders. Approved by full House 3/24/11.

[Texas SB 680](#) Requires district court clerk to collect a fee for an electronic certified copy not to exceed \$1 per page or for part of a page and a fee of not more than \$5 for archiving court records that would be retained by the county. Approved by Senate Jurisprudence Committee 3/24/11.

Selection: Newly Introduced

[Alabama HB 340](#) Provides for nonpartisan election of circuit and district judges. In House Constitution, Campaigns and Elections Committee.

[Florida HB 7101](#) Replaces existing judicial nominating commissions. New commissions would be selected entirely by the governor with no input from the state bar (currently, bar sends three names for each vacancy for the governor to select from). Sets terms of the commission members concurrent with the governor. Retains provisions that commission members selection should “ensure that, to the extent possible, the membership of the commission reflects the racial, ethnic, and gender diversity, as well as the geographic distribution” of the population and that the Executive Office of the Governor shall provide all administrative support for each judicial nominating commission. In House Judiciary Committee.

[Florida SB 7222](#) Provides for the Attorney General, rather than the Board of Governors of The Florida Bar, to submit nominees for certain positions on judicial nominating commissions. Provides for the termination of terms of all current members of judicial nominating commissions. Provides for staggered terms of newly appointed members. In Senate Judiciary Committee.

[Tennessee SJR 145 \(Constitutional Amendment\)](#) Provides for gubernatorial appointment of the attorney general with senatorial confirmation (currently chosen by supreme court). In Senate Judiciary Committee.

Selection: Floor and Committee Activity

[Arizona SCR 1045 \(Constitutional Amendment\)](#) Removes the requirement that attorney members are nominated to the Governor by the Arizona State Bar as part of the Commission appointment process. Approved by full Senate 3/21/11.

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[Georgia HB 158](#) Changes date for non-partisan elections, including judges, to June from July. Approved by Senate Committee on State and Local Governmental Operations 3/22/11.

[Maryland HB 955](#) Requires nonpartisan election of clerks of the circuit court and other county officials. Rejected by House Ways and Means Committee 3/23/11.

Structure Changes: Newly Introduced

[Arkansas HB 1994](#) Creates DUI Court program. In House Judiciary Committee.

[Florida HJR 7111 \(Constitutional Amendment\)](#) 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.

[Kansas HB 2394](#) Extends to 2013 and 2014 expansions of the court of appeals. In House Committee on Judiciary.

[Louisiana HB 32 \(Special Session\)](#) Redistricts Supreme Court districts. In House Committee on Governmental Affairs.

[Nevada SB 349](#) Creates community court pilot project to provide an alternative to sentencing for misdemeanor offenders. In Senate Committee on Judiciary.

[Pennsylvania SB 880](#) Creates Medical Professional Liability Courts. In House Judiciary Committee.

[Rhode Island SB 738](#) Adds a representative from the traffic tribunal to the commission on judicial tenure and discipline. In Senate Judiciary Committee.

[Rhode Island SB 742](#) Removes language referring to the terms of members of the general assembly on the commission on judicial tenure and discipline. (members were removed on July 1, 2007). In Senate Judiciary Committee.

[South Carolina SB 717](#) Redistricts state's 16 judicial circuits. In Senate Committee on Judiciary.

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 full House 3/23/11.

[Arkansas SB 679](#) Allows any district judge, if authorized by administrative judge for district, to preside over a drug court. Approved by full Senate 3/24/11.

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[Montana HB 587](#) Allows for office of associate water court judge. Approved by full House 3/24/11.

Other: Newly Introduced

[Connecticut SB 1224](#) Makes numerous changes to laws related to judiciary. Modifies laws to recognize expansion of the judicial performance evaluation program to judge trial referees. Authorizes court orders and notices to be signed and disseminated by electronic means. Deletes language that limits the circumstances under which a retired Supreme Court justice who has not yet reached seventy years of age may sit on a Supreme Court panel. Repeals obsolete references to supreme court messengers. In Joint Committee on Judiciary.

[Florida HB 7023](#) Repeals provisions relating to regular terms of Supreme Court and circuit courts. Allows Supreme Court to set terms of court for Supreme Court, district courts of appeal, & circuit courts. Provides that appellate courts may withdraw mandate within 120 days after issuance. In House Judiciary Committee.

[Florida HB 7117](#) Repeals provisions providing that county sheriff serve as executive officer of circuit court. Removes provision requiring sheriff to perform duties of executive officer of county court. In House Judiciary Committee.

[Florida HB 7119](#) Repeals provisions relating to requirement that district court sit in three judge panels & have majority for decision & requirement that clerk of district court perform duties prescribed by rule of court. In House Judiciary Committee.

[Kansas HB 2396](#) Abolishes the commission on judicial performance. In House Committee on Appropriations.

[Maine HB 935](#) Eliminates the requirement that the State Court Library Committee meet at least 4 times a year and gives the State Court Library Committee flexibility in the provision of resources to law libraries. In Joint Committee on Judiciary.

[Maine SB 393](#) Creates a Family Ombudsman in the Judicial Branch and the Department of Corrections. In Joint Committee on Judiciary.

[Nevada SB 345](#) Provides that the family courts have the same jurisdiction as the jurisdiction set forth in the Nevada Constitution for the district courts. Revises revising provisions concerning the appointment of bailiffs and deputy marshals in district courts. Allows magistrates, court commissioners, masters and referees to carry firearms under same terms/restrictions as judges including into courtrooms. In Senate Committee on Judiciary.

[North Carolina HB 405](#) Provides no office of clerk of superior court shall have fewer than five total staff positions in addition to the elected clerk of superior court (currently law allows number to be set by Administrative Officer of the Courts). In House Committee on Appropriations.

Other: Floor and Committee Activity

[Alabama SB 146](#) Creates crime of threatening harm or violence against a judicial system officer or employee or his or her immediate family. Allows the death penalty to be imposed upon a person who commits murder of a judicial system officer or employee or his or her immediate family under certain conditions. Includes threatening

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harm or violence against a judicial system officer or employee as an aggravating circumstance relating to a capital offense. Approved by Senate Committee on Judiciary 3/24/11.

[Arizona SB 1192](#) Requires supreme court select a nationally recognized independent research organization to review and assess the methodology used in creating the child outcome based support model for child support and the effect that model would have on child support for families in this state if that model were adopted. Approved by House Judiciary Committee 3/24/11.

[Arizona SB 1288](#) Provides “Government shall not deny, suspend or revoke a professional or occupational license, certificate or registration based on a person's exercise of religion...A person's exercise of religion is not unprofessional conduct.” Specifies “Government” includes all courts and administrative bodies or entities under the jurisdiction of the Arizona supreme court.” Approved by House Rules Committee 3/21/11.

[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 House Committee on Judiciary 3/24/11.

[Colorado HB 1282](#) ORIGINAL: Creates statutory obligation for the judicial department to provide a public access system for certain court records that direct-paying users and nonpaying users can access remotely. Prohibits the judicial department from restricting a direct-paying user from replicating the information on its system. Creates a Judicial Public Access System Advisory Board to govern the aforementioned system. AMENDED: Same, but adds member of press and general public to advisory board. Specifies the reason for public access is “so that the public is able to monitor the conduct of the judicial branch of government.” Approved as amended by House State, Veterans, & Military Affairs Committee 3/24/11.

[Florida HB 4067](#) Repeals requirement that the clerk of the circuit court, or a deputy, shall reside at the county seat or within 2 miles thereof. Approved by full House 3/24/11.

[Florida HB 443](#) Requires that each state attorney and public defender implement a system by which the state attorney and public defender can electronically file court documents with the clerk of the court. Requires that the Florida Prosecuting Attorneys Association and the Florida Public Defender Association report to the President of the Senate and the Speaker of the House of Representatives by a specified date on the progress made in implementing the electronic filing system, etc. Approved by House Judiciary Committee, Criminal Justice Subcommittee 3/22/11.

[Florida HB 7115](#) Repeals provisions relating to judicial census commissions. Approved by House Judiciary Committee 3/24/11.

[Florida SB 1100](#) Repeals requirement that the clerk of the circuit court, or a deputy, shall reside at the county seat or within 2 miles thereof. Approved by Senate Judiciary Committee 3/22/11.

[Florida SB 170](#) Requires that each state attorney and public defender implement a system by which the state attorney and public defender can electronically file court documents with the clerk of the court. Requires that the Florida Prosecuting Attorneys Association and the Florida Public Defender Association report to the President of the Senate and the Speaker of the House of Representatives by a specified date on the progress made in implementing the electronic filing system, etc. Approved by Senate Budget Committee 3/22/11.

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[Florida SB 996](#) Requires the clerks of the State Supreme Court and district courts of appeal to transmit certain judicial opinions to the Governor, the President of the Senate, and the Speaker of the House of Representatives within a specified time. Approved by Senate Judiciary Committee 3/22/11.

[Hawaii HCR 61](#) Requests Judiciary continue to develop and implement training program for judges to better recognize and understand domestic violence. Approved by House Committee on Human Services 3/14/11.

[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 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 Senate Committee on Judiciary 3/17/11.

[Maryland HB 1138](#) Requires Motor Vehicle Administration, on request by judge, ensure that only the requesting individual's mailing address is printed on any official document or public record produced by the Administration. Rejected by House Environmental Matters Committee 3/25/11.

[Maryland HB 1169](#) 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

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refusal of a spouse to testify in specified assault trials. Rejected by House Rules and Executive Nominations Committee 3/21/11.

[Maryland HB 336](#) Creates Task Force on Military Service Members, Veterans, and the Courts to study military service-related mental health issues and substance abuse problems and to make recommendations concerning the establishment of a special court for defendants who are military members or veterans. Rejected by House Judiciary Committee 3/25/11.

[Maryland SB 531](#) Creates Task Force on Military Service Members, Veterans, and the Courts to study military service-related mental health issues and substance abuse problems and to make recommendations concerning the establishment of a special court for defendants who are military members or veterans. Approved by full Senate 3/24/11.

[Montana HJ 14](#) Declares a “Judicial Order of the United States that assumes a power not delegated by the United States Constitution and diminishes the liberty of this State or its citizens constitutes a breach of the United States Constitution and Bill of Rights by the government of the United States, which would also breach Montana's “Compact With the United States”.” Tabled in Senate Judiciary Committee 3/24/11.

[Montana SB 323](#) Permits supreme court decisions invalidating statute to be over-ridden by state voters in referendum. Tabled in Senate Judiciary Committee 3/22/11.

[Nevada AB 7](#) Extends from 2 days to 5 days time a judge whose recusal has been requested has in order to respond to affidavit for recusal. Clarifies days as used means judicial days. Approved by Senate Committee on Judiciary 3/22/11. Approved by full Senate 3/24/11. To Governor for approval.

[Nevada SB 5](#) Provides that in counties over 100,000 it is the court, not the sheriff, summon prospective grand jurors. Approved by full Assembly 3/21/11. To Governor for approval.

[New Hampshire HCR 19](#) Declares, in part, that any “Judicial Order by the Judiciaries 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 House Constitutional Review and Statutory Recodification Committee 3/22/11.

[North Carolina HB 33](#) Provides justice, judge, clerk, or others may only accept state or U.S. federal government issued ID for identification purposes. Approved with committee substitute by House Judiciary Subcommittee A 3/24/11.

[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 Senate Judiciary Committee 3/24/11.

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[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. [Editors Note: After this went to press, it was noted an amendment deletes January 2015 date and replaces with January 2013. I regret the error.] Approved as amended by House Government and Veterans Affairs Committee 3/25/11.

[Texas HB 1781](#) Requires supreme court, the court of criminal appeals, courts of appeals, and any state judicial agency to examine all reporting requirements set by statute prior to 2009 and identify those not needed or redundant. Approved by House Committee on Government Efficiency & Reform 3/24/11.

[Texas SB 285](#) AS AMENDED: Exempts certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons. Allows masters, magistrates, referees, and associate judges to carry firearms in courthouses. Approved as amended by Senate Jurisprudence Committee 3/23/11.

[Washington HB 1794](#) Increases penalties for assaults on court-related employees, including judicial officers, court-related employees, county clerks, and county clerk employees. Approved by Senate Judiciary Committee 3/25/11.

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