

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending July 22, 2011

Volume 5, Issue 30

## *Focus: Laws directed to/at Chief Justices*

The annual meeting of the [Conference of Chief Justices](#) is being held July 30 through August 3 in Atlanta, GA. While serving as the head of their individual courts of last resort, these Chief Justices also function as the heads of their respective branches in the states and territories. As such, they are often called upon by the legislature to act in capacities that go beyond their functions as jurists. This week's special focus will be on laws enacted in 2011 that are addressed to or about the chiefs.

[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. Provides that, under rules prescribed by the Supreme Court, a state district court judge may be assigned by the Chief Justice to hear cases outside the territorial jurisdiction of the court.

[Arizona HB 2424](#) Establishes a Probate Advocacy Panel to improve guardianship and conservatorship laws through statutory changes. Provides Chief Justice is to name one judicial officer and one clerk of the Superior Court to the panel.

[Colorado HB 1138](#) Creates 25-member Sex Offender Management Board in Department of Public Safety. Requires Chief Justice name 3 members to board.

[Colorado HB 1300](#) Permits expedited administrative hearing in disputed claims for certain state income tax credits. Permits Chief Justice to designate appeals from the administrative hearings. Permits Chief Justice to divide state into three regions for purposes of consolidating appeals.

[Georgia HB 265](#) Creates 13-member 2011 Special Council on Criminal Justice Reform for Georgians. Chief Justice plus 2 members of judicial branch appointed by Chief Justice to serve on council

[Georgia HB 339](#) Provides extensions of judicial emergencies by Chief Justice may last as long as governor has declared a public health emergency.

[Iowa SB 326](#) Permits the Chief Justice to delay the nomination of a Supreme Court Justice, Court of Appeals Judge, District Court Judge, District Associate Judge, Associate Juvenile Judge, or Associate Probate Judge for budgetary reasons. Grants the Chief Justice the authority to delay the appointment of a magistrate to serve the remainder of an unexpired term, if the vacancy is due to a death, resignation, retirement, an increase in the number of positions authorized, or to the removal of a magistrate. Provides Chief Justice may apportion a vacancy in the office of a district judge, district associate judge, associate juvenile judge, or associate probate judge to another judicial election district if the Chief Justice determines a substantial disparity exists in the allocation of such judgeships and judicial workload between judicial election districts.

[Idaho SB 1154](#) Renames and increases from 4 members to 8 Sexual Offender Management Board. Provides Chief Justice to appoint nonvoting member representing judiciary to board.

Indiana [HB 1153](#) / [SB 90](#) / [SB 490](#) Creates 14-member Criminal Law and Sentencing Policy Study Committee. Provides Chief Justice to name one judge to committee.

[Kentucky HB 122](#) Adds Chief Justice to Kentucky Commission on Military Affairs.

[Kentucky HB 463](#) Provides the Chief Justice shall submit an annual report to the Interim Joint Committee on Judiciary by November 1 of each year that provides information on state-funded crime reduction and recidivism reduction efforts, including participation in intervention programming, public safety outcomes, and cost effectiveness.

[Kentucky SB 7](#) Requires Chief Justice create a Web site to provide certain information on the expenditure of state funds.

[Maine SB 297](#) Creates the 9-member Commission to Study Priorities and Timing of Judicial Proceedings in State Courts. Requires Chief Justice appoint 2 members. 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.”

[Maine SB 337](#) Permits Chief Justice to contract with state agencies or private debt collection services to collect overdue fines and fees.

[North Carolina HB 642](#) Creates 23-member State Community Corrections Advisory Board. Requires Chief Justice appoint superior court judge, district court judge, district attorney, clerk of superior court, criminal defense attorney, and representative of an existing community-based corrections program.

[Nevada AB 121](#) Authorizes Supreme Court to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada. Provides if the Chief Justice determines that additional security is needed for the safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may contract with one or more independent contractors to provide security services for the facility or building. Further provides any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.

[Oklahoma HB 2174](#) Provides the Administrative Director of the Courts, with the approval of the Chief Justice of the Supreme Court, is authorized to use the amounts deposited in the State Judicial Revolving Fund for any lawful purpose. Provides Chief Justice or Administrative Director of the Courts acting at the direction of the Chief Justice to determine the allocation of funds and expenditures.

[Oregon HB 2237](#) Recreates the Public Guardian and Conservator Task Force. Provides Chief Justice to name member.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, KIS Division.

[Oregon HB 2170](#) Provides a circuit court may collect such fees as the Chief Justice of the Supreme Court may establish or authorize for any service the court may be required or authorized to perform and for which no fee is provided by law. Creates Joint Committee on State Courts Revenue Structure and requires Chief Justice designate nonvoting liaison to committee.

[Oregon HB 2712](#) Provides Chief Justice of the Supreme Court shall establish a uniform fine schedule for violations prosecuted in circuit courts.

[Oregon HB 2855](#) Creates State and Local Government Efficiency Task Force and names Chief Justice ex officio member.

[Oregon SB 676](#) Require Chief Justice report by December 2011 a comprehensive plan that describes outcomes-based strategies for the respective departments, including descriptions of continuous improvement, performance management and performance measurement strategies for the judicial branch.

[Rhode Island SB 1095](#) Gives the Chief Justice 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.

[South Dakota HB 1221](#) Creates Task Force of up to 20 members on Teen Driving Safety. Provides Chief Justice to appoint one member.

[South Dakota SB 12](#) Creates Visitation Grant Advisory Group to allocate funds received by the Department of Social Services through Part D of Title IV. Provides Chief Justice to name 3 Circuit Judges to Advisory group.

[Texas HB 1754](#) Create a new entity in the judicial branch of government called the Texas Indigent Defense Commission (Commission) with the same powers and duties as the Task Force on Indigent Defense (Task Force), and to designate the new entity as a permanent standing committee of the Texas Judicial Council. Names Chief Justice as ex officio member of Commission's board.

[Vermont HB 264](#) Creates committee to study modifying the number of interested parties who must be served with notice when a probate proceeding is commenced involving a decedent's estate and reducing the amount of time notice by publication is required to be published in newspapers. Creates committee to study jurisdiction over proceedings involving guardianship of minors. Creates committee to study jurisdiction over proceedings involving guardianship of minors. Provides Chief Justice to name probate judges to committees.

[West Virginia HB 3012](#) Reestablishes Comprehensive Behavioral Health Commission. Provides Chief Justice to name member to commission.

[Wyoming HB 19](#) Permits retired circuit court judges not practicing law to serve temporarily on any circuit court with the consent of the Chief Justice.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, KIS Division.

## **Jurisdiction: Newly Introduced**

NONE

## **Jurisdiction: Floor and Committee Activity**

NONE

## **Qualifications and Terms: Newly Introduced**

NONE

## **Qualifications and Terms: Floor and Committee Activity**

NONE

## **Rule Making Authority: Newly Introduced**

NONE

## **Rule Making Authority: Floor and Committee Activity**

NONE

## **Salary and Budget: Newly Introduced**

NONE

## **Salary and Budget: Floor and Committee Activity**

NONE

## **Selection: Newly Introduced**

[Wisconsin AJR 49 \(Constitutional Amendment\)](#) Ends practice where Chief Justice is most senior justice of the Supreme Court. Directs the Supreme Court to elect a Chief Justice as the first order of business each time a justice is elected or reelected. In Assembly Judiciary and Ethics Committee.

[Wisconsin SJR 36 \(Constitutional Amendment\)](#) Ends practice where Chief Justice is most senior justice of the Supreme Court. Directs the Supreme Court to elect a Chief Justice as the first order of business each time a justice is elected or reelected. In Senate Committee on Judiciary, Utilities, Commerce, and Government Operations.

## **Selection: Floor and Committee Activity**

[Utah HB 2001 \(2nd Special Session\)](#) Provides Justice court judges who are employed part-time on July 1, 2012 are to be evaluated by the criteria established before the Judicial Performance Evaluation Commission was established. Provides Justice Court judges who are employed full-time on July 1, 2012 are to be evaluated by the criteria established when the Judicial Performance Evaluation Commission was created in 2008. Approved by full House and Senate 7/20/11. To Governor for approval.

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, KIS Division.

## **Structure Changes: Newly Introduced**

NONE

## **Structure Changes: Floor and Committee Activity**

NONE

## **Other: Newly Introduced**

NONE

## **Other: Floor and Committee Activity**

NONE

Indicates featured legislation

Subscribe: <http://www.ncsc.org/newsletters>

Online: [www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the National Center for State Courts, KIS Division.