

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending April 8, 2011

Volume 5, Issue 15

## Jurisdiction: Newly Introduced

[North Carolina HB 640](#) Declares “it to be the public policy of this State to protect its citizens from the application of foreign law that would result in the violation of a right of a natural person guaranteed by the North Carolina Constitution or the United States Constitution. The public policies expressed in this section shall apply only to actual or foreseeable violations of a constitutional right resulting from the application of the foreign law.” In House Committee on Judiciary Subcommittee C.

## Jurisdiction: Floor and Committee Activity

[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 Judiciary Committee 4/4/11.

[Arizona HB 2064](#) ORIGINAL: Modifies the statutory definition of dilapidated building. AMENDED: Defines “foreign law” as “any law, rule or legal code or system other than the constitution, laws and ratified treaties of the united states and the territories of the united states, or the constitution and laws of this state....a court, arbitrator, administrative agency or other adjudicative, mediation or enforcement authority shall not enforce a foreign law if doing so would violate a right guaranteed by the constitution of this state or of the united states or conflict with the laws of the united states or of this state.” Approved as amended by full Senate 4/5/11. Approved by full House 4/7/11. To Governor for approval.

[Hawaii HB 1333](#) Increases small claims jurisdiction from \$3,500 to \$5,000. Approved by Senate Judiciary and Labor Committee 4/7/11.

[Montana SB 238](#) Increase 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. Senate concurs with House amendment 4/6/11. To Governor for approval.

[Tennessee HB 1369](#) Extends jurisdiction over claims against governmental entities or governmental entity employees to chancery courts. Approved by House Judiciary Committee 4/5/11.

[Tennessee HB 1370](#) Extends jurisdiction to chancery courts for certain claims against governmental entities. Approved by House Judiciary Committee 4/5/11.

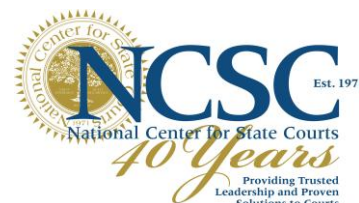


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## Qualifications and Terms: Newly Introduced

[North Carolina HB 682](#) Requires magistrates receiving training on domestic violence. In House Committee on Judiciary Subcommittee C.

## 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 Rules Committee 4/4/11.

[Maryland SB 281 \(Constitutional Amendment\)](#) ORIGINAL: Requires Orphan's Court judges in the city of Baltimore \*and Baltimore and Prince George's County\* be attorneys. AMENDED: Requires Orphan's Court judges in the city of Baltimore and \*Prince George's County\* be attorneys. Approved as amended by House Judiciary Committee 4/5/11. Approved as amended by full House 4/6/11. Senate concurs with House amendment 4/6/11. On November 2012 ballot.

[Texas HJR 61 \(Constitutional Amendment\)](#) Increases the terms of district judges from 4 to 6 years. Provides for transition to new 6 year terms. Approved by House Committee on Judiciary & Civil Jurisprudence 4/4/11.

## Rule Making Authority: Newly Introduced

[Connecticut SB 1237](#) Requires the judges of the Superior Court to adopt rules that permit an attorney to provide legal services on a limited basis to a pro se litigant in order to facilitate the processing of civil matters and appeals where a party has filed an appearance pro se. Establishes a pilot program in the judicial district of Hartford to provide training to pro se litigants in certain civil matters and appeals. In Joint Committee on Judiciary.

## Rule Making Authority: Floor and Committee Activity

[Florida SJR 1704 \(Constitutional Amendment\)](#) Requires that certain proceedings, records, and materials of the Judicial Qualifications Commission be open to the public and to require the commission to notify the Speaker of the House of Representatives of complaints received or initiated, investigations conducted, and complaints concluded. Approved by Senate Judiciary Committee 4/4/11.

[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. Approved by Senate Judiciary Committee 4/4/11.

[Texas HB 1559](#) ORIGINAL: Prohibits state courts from destroying a document filed with, presented to, or produced by the court before January 1, 1951. Requires Supreme Court promulgate rules to implement. AMENDED: Prohibits state courts from destroying a document filed with, presented to, or produced by the court before January 1, 1951 unless allowed by rules adopted by the Texas State Library and Archives Commission. Approved as amended by House Committee on Judiciary & Civil Jurisprudence 4/6/11.

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## Salary and Budget: Newly Introduced

[Rhode Island HB 6027](#) Transfers from the courts to the offices of the attorney general office & the public defender the responsibility of certifying the fees owed to court witnesses they had subpoenaed. In House Judiciary Committee.

[Vermont HB 448](#) Directs the treasurer and representatives from the judicial branch, the Vermont state employees' association, and the Vermont troopers' association meet to review and evaluate the Vermont state employees' member contribution rate structure. In House Committee on Appropriations.

## Salary and Budget: Floor and Committee Activity

[Alabama HB 414](#) Reduces employer contribution rates into the Judicial Retirement Fund (JRF). Approved by House Ways and Means Committee 4/6/11.

[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 full House 4/7/11. Approved by Senate with Senate amendments 4/7/11. House does not concur with Senate amendments. Conference committee requested.

[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 full House 4/7/11. Approved by Senate with Senate amendments 4/7/11. House does not concur with Senate amendments. Conference committee requested.

[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. Tabled in House in favor of SB 1018 4/6/11.

[Florida SB 1018](#) 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 full House 4/6/11. To Governor for approval.

[Florida SB 2116](#) 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. Approved by full House 4/7/11.

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Approved by Senate with Senate amendments 4/7/11. House does not concur with Senate amendments. Conference committee requested.

[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 Ways and Means Committee 4/7/11.

[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 Ways and Means Committee 4/7/11.

[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 Finance Committee 4/4/11.

[Idaho HB 300](#) Establishes an Access to Justice Fund in the state treasury to assist Idaho Legal Aid Services (ILAS) in providing free legal representation for indigent persons in civil matters and to meet the costs of maintaining the operation of ILAS. Provides moneys will be collected for the fund by assessing a ten-dollar (\$10.00) user fee on persons who file certain civil cases in Idaho courts. Approved by full House 4/4/11

[Illinois HB 3346](#) AS AMENDED: Provides that the Director of State Police may direct the use of an additional fee paid by a defendant in any felony, traffic, misdemeanor, local ordinance, or conservation case upon a judgment of guilty or grant of supervision for homeland security purposes by quarterly transferring these fees into the ILEAS Fund. Provides that, subject to the approval of the ILEAS Executive Board, the amounts transferred from the additional fees into the Fund shall be allocated as follows: (i) 66.6% for homeland security initiatives and (ii) 33.3% for airborne operations. Approved as amended by full House 4/6/11.

[Illinois SB 1992](#) ORIGINAL: Provides Illinois Transparency and Accountability Portal shall provide direct access to a database of current employees of the judicial branches and include information on status of position as subject to collective bargaining. AMENDED: Same, but provides that the legislative and judicial branches shall be responsible for verifying the accuracy of data submitted with regard to State employees from the legislative and judicial branches. Approved as amended by Senate Assignments Committee 3/29/11.

[Indiana SB 76](#) Requires that the board of trustees of the public employees' retirement fund (PERF) specify by rule the interest rate credited to a participant's contributions for the judges' retirement system. Provides that a judge or a magistrate who is a participant in the judges' retirement system and who purchases prior service credit in PERF waives credit for the PERF service only for the amount of PERF service purchased. Approved by full House 4/5/11. To Governor for approval.

[Indiana SB 549](#) Consolidates judges' retirement fund and 9 other retirement funds into a new Indiana Public Retirement System. Approved by full House 4/4/11. To Governor for approval.

[Minnesota SB 1047](#) Requires adoption of zero-based budgeting by judicial branch starting July 2013. Approved with House amendments by full House 4/6/11. To Senate to concur with House amendments.

[Montana HB 343](#) Provides for "partial" zero-based budgets in judicial branch and other branches/agencies. Tabled in Senate Finance and Claims Committee 4/6/11.

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[Montana HB 444](#) Creates budget database website for all judicial and other government budgets and expenditures. Approved by Senate Taxation Committee 4/6/11.

[Nebraska LB 251](#) Increases court fees by \$20. Directs some of additional funds to Retirement Fund for Judges. Approved by Senate Judiciary Committee 4/7/11.

[Nebraska LB 509](#) Provides for adjustment and recalculations regarding Judges Retirement System. Approved by full Senate 4/8/11. To Governor for approval.

[Oklahoma HB 1010](#) AS AMENDED: Modifies provisions related to normal retirement age for members entering the Uniform Retirement System for Justices and Judges (URSJJ) on or after January 1, 2012. Eliminates the provision whereby a member with 8 years of judicial service may retire when the sum of their age and years of service equals or exceeds 80. Decreases the multiplier used to calculate the retirement benefit for members entering URSJJ on or after January 1, 2012 from 4% to 2%. Approved by Senate Retirement and Insurance Committee 4/5/11.

[Oklahoma HB 1414](#) Creates Council on Judicial Complaints Revolving Fund. Directs certain civil filing fees be directed to the Fund. Approved by Senate Appropriations Committee 4/7/11.

[Oklahoma HB 1415](#) Requires the Attorney General, instead of the Supreme Court and the Administrative Director of the Courts, to oversee the Legal Services Revolving Fund. Approved by Senate Appropriations Committee 4/7/11.

[Oklahoma HB 2132](#) Modifies judicial and other retirement systems funding ratios and cost of living adjustments. Changes the definition of a “nonfiscal retirement bill” by removing the provision that allows a cost-of-living increase to be considered nonfiscal. Stipulates that any retirement bill having a fiscal impact is subject to the statutory requirements related to concurrent funding. Approved by Senate Retirement and Insurance Committee 4/5/11.

[Oklahoma SB 498](#) Changes the rate of pay a court reporter receives for temporary employment by a district court, workers compensation court, or corporation commission, from a set rate of \$57.60 per day to a rate “to be set by such court.” Approved by full House 4/4/11. To Governor for approval.

[Pennsylvania SB 105](#) Establishes searchable budget database-driven Internet website detailing certain information concerning State expenditures by judicial and other agencies. Approved by Senate Appropriations Committee 4/5/11.

[Texas SB 1494](#) Requires municipalities report to the Texas Judicial Council the election or appointment of the presiding officer of the municipality, municipal court judge, or clerk of a municipal court. Approved by Senate Jurisprudence Committee 4/6/11.

[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 full Senate 4/7/11.

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[Texas SB 1521](#) Includes warrant officers and related equipment in the definition of security personnel, services, and items related to the buildings that house the municipal court for purposes of distribution of money appropriated from a municipal court building security fund Approved by Senate Jurisprudence Committee 3/30/11.

## **Selection: Newly Introduced**

[Florida SB 2170](#) 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.

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

[Florida HB 7101](#) Replaces the state's 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. Approved by House Judiciary Committee 4/7/11.

[Montana SB 268 \(Constitutional Amendment\)](#) Referendum to require election of Supreme Court justices from districts. Approved by full House 4/7/11. On November 2012 ballot.

[Vermont SJR 20](#) Extends various deadlines for the General Assembly's vote on reappointing Supreme Court justices. House concurs with Senate amendments 3/22/11.

## **Structure Changes: Newly Introduced**

[Missouri HB 1014](#) Creates a five-year pilot program of medical malpractice divisions of the circuit courts. Directs chief justice to select pilot circuit. Removes limitation on noneconomic damages in actions against health care providers. In House Judiciary Committee.

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

[Florida HB 7199](#) Statutorily implements HJR 7111 splitting supreme court into civil and criminal divisions. Locates the Supreme Court in the building currently occupied by the First District Court of Appeal. Approved by House Judiciary Committee 4/7/11.

[Montana HB 587](#) Allows for office of associate water court judge. Approved by Senate Natural Resources Committee 4/4/11. Approved with Senate amendment by full Senate 4/8/11.

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[Nevada SB 25](#) AS AMENDED: In a township whose population is less than 1,100,000, one justice of the peace is required for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 300,000. In a township whose population is 1,100,000 or more, one justice of the peace is required for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace is required for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000. Approved as amended by Senate Committee on Judiciary 4/4/11. Approved by full Senate 4/7/11.

[Nevada SJR 14 \(Constitutional Amendment\)](#) Creates intermediate appellate court. Approved by Senate Committee on Judiciary 4/7/11.

## **Other: Newly Introduced**

[California AB 1102](#) For purposes of audits conducted by the State Auditor, specifies “state agency” includes the Supreme Court, a Court of Appeal, a superior court, and the Administrative Office of the Courts. In Assembly Business, Professions and Consumer Protection Committee.

[California AB 618](#) Enacts California Language Access Bill of Rights. Provides a person who is unable to understand English, and who is charged with a crime, has the right to a competent interpreter to provide exclusive, ongoing, and simultaneous translation services throughout any proceeding at which the person is physically present. Prohibits a non interpreter staff person of the court, or the sheriff, probation department, or any other local government entity from providing interpreter services at any time, unless he or she is a certified interpreter. Sets forth legislative findings and declarations relating to ensuring an adequate supply of court interpreters without sacrificing essential standards for certification. In Assembly Judiciary Committee.

[Minnesota SB 1097](#) Provides that where the Supreme Court opts to transfer a judicial vacancy to another county/district, it must provide certain notices to specified election officials. Provides retiring judge must notify Supreme Court of his or her retirement for purposes of identifying judicial vacancies. In Senate Judiciary and Public Safety Committee.

[North Carolina HB 778](#) Provides where there is significant evidence of prosecutorial misconduct in a case, the Chair of the Innocence Commission or the district attorney of the district of conviction may request the Conference of District Attorneys appoint a special prosecutor (currently, Director of the Administrative Office of the Courts appoints). In House Committee on Judiciary Subcommittee B.

[North Carolina HB 859](#) Clarifies AOC is the custodian of court records, that court records are public records and are available upon request to a third party upon payment of “reasonable” reproduction costs. Prohibits withholding of records unless expressly permitted by statute. In House Committee on Judiciary Subcommittee A.

[North Carolina SB 577](#) Clarifies AOC is the custodian of court records, that court records are public records and are available upon request to a third party upon payment of “reasonable” reproduction costs. Prohibits withholding of records unless expressly permitted by statute. In Senate (no committee).

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[Rhode Island HB 6026](#) Adds a representative from the traffic tribunal to the commission on judicial tenure and discipline. In House Judiciary Committee.

## Other: Floor and Committee Activity

[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 full House 4/4/11. To Governor for approval.

[Arizona SB 1621](#) Provides “the designated post of duty of a justice of the supreme court who resides outside of Maricopa County shall be deemed to be the justice's place of permanent physical residence at the time of the justice's appointment.” Approved by full Senate 4/6/11. 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 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

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no later than 60 days prior to the regular general election for the retention of justices and judges. Approved by House Rules Committee 4/4/11.

[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 full House 4/7/11.

[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. Approved by Joint Committee on Judiciary 4/5/11.

[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 Senate 4/6/11. To Governor for approval.

[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 Appropriations Committee, Justice Appropriations Subcommittee 4/5/11.

[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. Approved by House Judiciary Committee 4/7/11.

[Florida HJR 7111 \(Constitutional Amendment\)](#) AS AMENDED: Structure Changes - expands the existing 7 member Supreme Court to 10 and divides them into two panels of five (civil and criminal) each with its own chief justice, each requiring 4 justices for a quorum. Provides three most senior justices of the existing Supreme Court would initially be assigned to the criminal division. Provides new 10 member Court would be required to inventory all cases active at the time the court is divided and assign them to their respective divisions. Provides justices are expressly prohibited from meeting en banc, with specific exceptions discussed below. Provides “legislature may, by general law, otherwise provide for the administrative transfer of employees, property, duties, and functions between the divisions.” The Chief Justice of the State of Florida- alternate every four years between the two divisions and be chosen by the Governor with Senate confirmation (currently, the Supreme Court selects its own chief justice). Provides chief justice of the civil division would be the initial Chief Justice. Provides divisional chief justices would serve for 8 years, but to remain as a justice of the Supreme Court they must be re-elected to the court every 6 years. Selection - Maintains the state's judicial nomination commissions, but requires for Supreme Court justices only, nominees selected by the governor be subject to senate confirmation. Provides if the Senate fails to confirm within 90 days the individual is deemed confirmed. Keeps Yes/No retention election system for all judges. Rule Making - Provides justices of both Supreme Court divisions (7 needed for a quorum)

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would meet jointly to set court rules, provide administrative supervision of the courts, and handle disciplinary cases. Provides divisions would meet jointly regarding rules or may assign categories of the rules to the divisions. Provides rules of the judicial nominating commissions would need to be approved by a majority vote of the justices of both divisions. Provides rules of the judicial qualifications commission would need the affirmative vote of 7 of the 10 justices. Provides except for these rule making/administrative functions, the justices would otherwise expressly prohibited from meeting en banc. Allows legislature to repeal any rule adopted by the Supreme Court by a majority vote (currently, requires two-thirds of legislature). Allows court to readopt the rule, so long as it was in conformance with the expressed policy expressed in the repeal bill or resolution. Provides if the rule was repealed a second time, the Supreme Court could not readopt it. Specifies "The legislature shall be the final authority to determine whether an adopted rule is again repealed." Jurisdiction - Defines difference between a criminal and civil case for divisional purposes. Expressly prohibits civil division from hearing any cases that had any had anything, directly or indirectly, to do with the death penalty. Provides where there was a conflict between the divisions as to whether a case was civil or criminal, the current Chief Justice of Florida would decide. Allows legislature to "further define" the cases heard by each division. Allows only a justice in the criminal division to issue a writ of corpus in a criminal case. Provides divisions of the new Supreme Court would be able to take any case up from the intermediate appellate court (district courts of appeal) that is found by to be "of great public importance." Salary & Budget - Commencing in FY 2013-2014, the state's judiciary gives a constitutional guarantee of a "total appropriation of all fund sources to the judicial branch [] equal [to] no less than 2.25 percent of the total general revenue funds appropriated in the general appropriation bill referred to in Section 19(b) of Article III." Provides any adjustments via a special appropriations act would be equal to no more than the percent of total general revenue appropriations adjusted in such special appropriations act. Other - Removes the power of the Supreme Court and District Courts of Appeal to name its Clerks and Marshals. Removes the Governor's power to ask the judicial qualifications commission for all information investigations/complaints against judges (commission would still be obligated to turn such information over, on request, to the House of Representatives.) Provides all information so turned over would remain confidential during any investigation and until such information is used in the pursuit of any impeachment. Approved as amended by House Judiciary Committee 4/7/11.

[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 full Senate 4/6/11.

[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 full Senate 4/6/11.

[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 Governmental Oversight and Accountability Committee 4/5/11.

[Hawaii HCR 202](#) Requests Supreme Court study implementation of Hawaii Uniform Collaborative Law Act. Approved by full House 4/4/11.

[Hawaii HR 174](#) Requests Supreme Court study implementation of Hawaii Uniform Collaborative Law Act. Approved by full House 4/4/11. No further approvals required.

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[Iowa SB 326](#) Filling vacancies - Grants authority to the chief justice to delay the nomination of a Supreme Court justice, court of appeals judge, district judge, district associate judge, associate juvenile judge, or associate probate judge magistrate for budgetary reasons. Grants authority to delay nomination for magistrates with certain limits. Judicial allocation - Authorizes chief justice to apportion a trial judge vacancy to another judicial election district upon finding a substantial disparity exists in the allocation of judgeships and judicial workload between judicial election districts and a majority of the judicial council approves the apportionment. Requires state court administrator apportion magistrates throughout the state using a case-related workload formula in addition to the other criteria already listed in statute. Permits the chief judge to assign a magistrate to hold court outside of the magistrate's county of appointment for the orderly administration of justice. Residence - Requires district associate judge reside \*in the judicial election district\* in which he or she serves (currently must reside in county). Allows a magistrate to be a resident of a county contiguous to the county of appointment during the magistrate's term of office. Terms - Specifies that a senior judge, upon attaining the age of 78, may serve a one-year term and a succeeding one-year term at the discretion of the Supreme Court. Currently, a senior judge, upon attaining the age of 78, may serve a two-year term at the discretion of the Supreme Court. Selection - Permits chief judge of judicial district to appoint clerk of court and remove clerk for cause after consultation with other judges (currently, clerk is appointed and removed by a majority vote of all district judges in district). Approved by full House with House amendment 4/6/11.

[Missouri HB 111](#) AS AMENDED: Modifies numerous parts of law related to courts and judicial proceedings. Prohibits Department of Revenue from releasing the home address or any information contained in the department's motor vehicle or driver registration records regarding any state or federal judge or his or her immediate family members. Allows any state or federal judge to request the issuance of special license plates and driver's licenses. Increases from 75 to 78 mandatory retirement age for municipal judges. Requires city, county, or the State of Missouri to pay civil filing fee if they are the prevailing party in case (currently, not required to pay, win or lose). Approved as amended by House Rules Committee 4/4/11.

[Missouri HB 253](#) AS AMENDED: Modifies numerous parts of law related to courts and judicial proceedings. Prohibits Department of Revenue from releasing the home address or any information contained in the department's motor vehicle or driver registration records regarding any state or federal judge or his or her immediate family members. Allows any state or federal judge to request the issuance of special license plates and driver's licenses. Requires city, county, or the State of Missouri to pay civil filing fee if they are the prevailing party in case (currently, not required to pay, win or lose). Approved by House Rules Committee 4/4/11

[Montana SJ 26](#) Directs Joint Subcommittees on Appropriations monitor the Court Help Program and the Water Courts during interim. Approved by Senate Finance and Claims Committee 4/7/11.

[Nevada AB 194](#) Amends state law to make it consistent with federal law by removing from state law an ambiguity that could have been construed to require persons with disabilities to pay for their own interpretive services in civil judicial proceedings. Approved by Assembly Committee on Judiciary 4/8/11.

[Nevada AB 195](#) Requires that, before a court record is destroyed by a clerk of the court, the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system. Details specifications for microfilm or recordkeeping systems. Authorizes the State Library and Archives Administrator to receive into the State Archives any court record from the Supreme Court or a district court under certain circumstances. Approved as amended by Assembly Committee on Judiciary 4/8/11.

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[Nevada SB 6](#) AS AMENDED: Authorizes the electronic reproduction of the seal of a court (current law requires either impressing the seal on the document or impressing the seal on a substance attached to the document) if the seal is reproduced in accordance with certain local court rules and rules adopted by the Supreme Court. Provides that a seal which is electronically reproduced has the same legal effect as a seal that is impressed. Approved as amended by Senate Committee on Judiciary 4/4/11. Approved by full Senate 4/7/11.

[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; a review of the jury trial process of other states; and the feasibility and desirability of eliminating a jury trial right for civil traffic tickets. House concurs with Senate amendments 4/7/11. No further approvals required.

[Oklahoma HR 1024](#) Petitions the Trial Division of the Court on the Judiciary to assume jurisdiction and institute proceedings for the removal of a District Judge Tom Lucas for failing to disqualify himself from hearing cases prosecuted by the Office of the District Attorney of Cleveland County. In House (no committee).

[Oklahoma SB 783](#) Creates Drug Court and Community Sentencing Reform Task Force. Approved by House Rules Committee 4/7/11.

[Oregon HB 2403](#) Directs Judicial Department and other state branches/agencies to partner with Oregon Military Department to provide reintegration services for veterans. Approved by Senate Veterans' and Military Affairs Committee 4/4/11. Approved by full Senate 4/5/11. To Governor for approval.

[South Carolina SB 394](#) Clarifies that nothing in existing law prohibits a county or area with a population of more than thirty thousand but less than one hundred fifty thousand from having a part time or a full-time master in equity. Provides for salaries of part time and full-time masters in equity as percentages of circuit judges. Approved by Senate Committee on Judiciary 4/6/11. Approved by full Senate 4/7/11.

[Texas HB 701](#) Requires judiciary and other branches/agencies to post "high-value data sets" on Internet. Defines "high-value" as "information that can be used to increase state agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the core mission of the agency, create economic opportunity, or respond to need and demand as identified through public consultation." Approved by full Senate 4/6/11.

[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 full House 4/7/11.

[Texas SB 1242](#) Provides magistrates enjoy same judicial immunity as judges. Approved by full Senate 4/7/11.

[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 by full Senate 4/7/11.

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