

Gavel to Gavel

A review of state legislation affecting the courts

Week ending April 15, 2011

Volume 5, Issue 16

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

[Hawaii HB 1333](#) Increases small claims jurisdiction from \$3,500 to \$5,000. Approved with Senate amendment by full Senate 4/12/11. House does not concur with Senate 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. House Special Committee on Education Funding Reform makes no recommendation on 7-7 tie vote 4/14/11.

Qualifications and Terms: Newly Introduced

[New York SB 4587](#) Increases the mandatory retirement age for all judges and justices of the unified court system, except for justices of town and village courts, from 70 to 74. Permits justices of the supreme court and judges of the court of appeals to continue in service past the mandatory retirement age for three two year terms. (Note: in New York, "supreme court" is court of general jurisdiction). In Senate Judiciary Committee.

Qualifications and Terms: Floor and Committee Activity

[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 full House 4/15/11.

[Indiana SB 463](#) AS AMNEDED: Repeals or otherwise removes all provisions that establish a mandatory retirement age for superior court and county court judges. Adds judge to Johnson County Superior Court. PROPOSED AMENDMENT: Increase from Class D to Class C felony assaults on judge or bailiff of any court. Proposed amendment withdrawn. Approved as amended by full House 4/14/11. Senate does not concur with House amendment to add Johnson County Superior Court judge.

[Maryland HB 1165 \(Constitutional Amendment\)](#) Requires judges of the Orphans' Courts *in Baltimore County only* be attorneys. Rejected by House Rules and Executive Nominations Committee 4/11/11.

[Ohio HJR 1 \(Constitutional Amendment\)](#) Increases judicial retirement age from 70 to 75. Approved by full House 4/12/11.

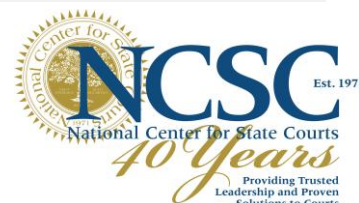


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Rule Making Authority: Newly Introduced

[South Carolina HB 4060](#) Authorizes Chief Judge of Municipal Court to enter into written contracts with private sector to provide community supervision, counseling, and collection services. Requires chief judge first receive approval of municipality's governing body. In House Committee on Judiciary.

Rule Making Authority: Floor and Committee Activity

[Nevada SB 194](#) ORIGINAL: Urges the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require an attorney in class actions to make a disclosure to each member of the class concerning possible consequences that the member of the class may face if the member does not opt out of the class. AMENDED: Urges the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require an attorney in such class actions to all the disclosures required pursuant to F.R.C.P. 23 to each member of the class. Approved as amended by Senate Committee on Judiciary 4/14/11.

Salary and Budget: Newly Introduced

[Georgia HB 648](#) Changes fees and assessments dedicated to funding legal services for indigent persons accused of crimes and delinquent acts. In House (no committee).

[Georgia HB 645](#) Relates to service for which no credit received for retirement purposes shall be granted under the Superior Court Clerks' Retirement Fund of Georgia, so as to reduce the amount of the employee contribution for creditable service for certain prior service as a deputy clerk. In House (no committee).

[Louisiana HB 270](#) Requires clerk or employee be employed and a member of the La. Clerks' of Court Retirement and Relief Fund for at least 12 years prior to retirement in order to elect to continue insurance coverage. In House Judiciary Committee.

[Ohio HB 197](#) Requires all moneys collected by the clerk of a municipal or county court be paid to the appropriate person, fund, or entity on or before the twentieth day of each month. Permits a municipal or county court to collect unpaid court costs, fees, or fines from an obligor's state income tax refund. Requires the Auditor of State to create and maintain a chart detailing the distribution of court costs, fees, and fines collected by municipal and county court clerks. Creates Committee on Court Costs. Requires Registrar nor any deputy registrar accepts any application for the issuance or renewal of a driver's license, commercial driver's license, or temporary instruction permit, or for the registration or transfer of registration of a motor vehicle of a person who fails to pay court costs imposed for offenses by a municipal mayor's, or county court. In House Judiciary & Ethics Committee.

[Pennsylvania HB 1331](#) Removes annual cost of living adjustments for judicial and other salaries. In House State Government Committee.

[Washington HB 2081](#) Extends various surcharges on court fees from 2011 to 2013. In House Ways & Means Committee.

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Salary and Budget: Floor and Committee Activity

[Alabama HB 414](#) Reduces employer contribution rates into the Judicial Retirement Fund (JRF). Approved by as amended by full House 4/12/11.

[Arizona HB 2355](#) Redefines for budget and other purposes various assessments as surcharges. Approved by full Senate 4/12/11.

[California AB 973](#) AS AMENDED: Requires a trial court to provide notification by electronic distribution to individuals who have subscribed to the court's electronic distribution service of impending court closures or reduced hours. Requires the court to review and consider all public comments received and immediately post a revised notice if the court's plan changes as a result of the comments received. Require each trial court, prior to adopting a baseline budget plan for the fiscal year, to provide the public notice of, and an opportunity for input on, the trial court's proposed budget plan, as specified. Among other things, the bill would require the court, prior to conducting a public hearing, to make the proposed baseline budget plan available to the public and to provide notice of the hearing date, time, and location, and the opportunity to submit written comments. Approved as amended by Assembly Committee on Judiciary 4/12/11.

[California SB 503](#) Allows a judge to make a one-time written election, prior to retirement, to purchase service credit in the Judge's Retirement System II (JRS II) for any number of whole years a judge served as a full-time subordinate judicial officer. Approved by Senate Public Employment & Retirement Committee 4/12/11.

[Connecticut SB 1219](#) Authorizes the Judicial Branch to lease its own facilities. Approved by Joint Committee on Judiciary 4/15/11.

[Florida SB 224](#) 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 Senate Governmental Oversight and Accountability Committee 4/14/11.

[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 with Senate amendment by full Senate 4/12/11. House does not concur with Senate amendment.

[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 with Senate amendment by full Senate 4/12/11. House does not concur with Senate amendment.

[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 with Senate amendment by full Senate 4/12/11. House does not concur with Senate amendment.

[Hawaii SB 1073](#) ORIGINAL: Increases the amount of surcharges for indigent legal fees. AMENDED: Same, but make effective January 7, 2030. Approved by full House 4/12/11. Senate does not concur with House amendment.

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[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 full House 4/12/11. Senate does not concur with House amendment.

[Hawaii SB 946](#) Establishes the access to justice trust fund under the judiciary as an endowment, to be administered by a nonprofit entity. Requires investment of the principal. Authorizes disbursement of interest earned to fund nonprofit legal service organizations to assist with the legal services needs of the poor, indigent, and other vulnerable populations Approved by full House 4/12/11. Senate does not concur with House amendment.

[Illinois HB 1447](#) ORIGINAL: Provides that, for persons who first become participants of either system on or after the effective date of the amendatory Act: (i) the automatic annual increases in participant and survivor annuities shall be at the rate of 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u, whichever is less, of the originally granted retirement annuity (rather than at the rate of 3% or the annual unadjusted percentage increase in the consumer price index-u, whichever is less, of the annuity then being paid) and (ii) the annual increases in highest salary for annuity purposes and final average salary shall be at the rate of the lesser of 3% or one-half the annual unadjusted percentage increase (but not less than zero) in the consumer price index-u (rather than at the rate of the lesser of 3% or the annual unadjusted percentage increase in the consumer price index-u). AMENDED: Authorizes persons who are participants in the affected systems on the effective date to elect the reduced benefits provided in the introduced bill. Approved as amended by full House 4/1/11.

[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 full Senate 4/14/11.

[Indiana HB 1004](#) Requires creation of website that lists all state and local expenditures and fund balances, include the judicial branch and courts. Approved by Senate Committee on Tax and Fiscal Policy 4/14/11.

[Missouri HB 116](#) Provides any state or municipal court may refer to the department of revenue for collection debts owed to them. Provides department may provide collection services on debts referred to the department by a court. Approved by Senate Ways and Means Committee 4/14/11.

[Montana HB 444](#) Creates budget database website for all judicial and other government budgets and expenditures. Approved by full Senate 4/13/11. To Governor for approval.

[Pennsylvania HB 38](#) Provides for high filing fee for commencement of a civil action above \$12,000 (high fee currently applies for claims at \$8,000 or \$10,000, depending on court). Approved by Senate Judiciary Committee 4/12/11.

[Texas HB 1261](#) Increases court costs imposed on conviction and deposited to the municipal court technology fund. Approved by House Judiciary & Civil Jurisprudence Committee 4/14/11.

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[Texas SB 726](#) Establishes judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account. Approved by Senate Finance Committee 4/11/11. Approved by full Senate 4/14/11.

Selection: Newly Introduced

[Louisiana SB 47](#) Provides for the calling of a special election to fill an anticipated judicial vacancy when the current holder of the judgeship has been elected to another office. In Senate Committee on Senate and Governmental Affairs

[Minnesota HB 1474](#) Requires judges be elected from the individual county or judicial election precinct in which they have their chambers within a judicial district, rather than by the district as a whole. For counties/judicial election precincts with no judge currently, permits Commission on Judicial Selection to assign one. Provides mere announcement of an intention to resign does not create a judicial vacancy. Provides incumbent judge/justice may not run for re-election unless they make a signed "commitment" that they shall remain in office until the expiration of the term of office, the mandatory retirement date, the optional retirement date, or the disability date, or until appointed to another office of government, or is unable to serve due to a compelling physical or personal reason. Defines "compelling physical or personal reason" and requires approval of said reason by the Court of Appeals. Provides a judge/justice who retires for any reason other than those specified forfeits 25% of their retirement annuity. Creates position of "placeholder." Provides a governor may appoint a "placeholder" to fill a judicial vacancy until a successor is elected and qualified. Provides if placeholder dies/resigns and election is more than 12 months away, governor may appoint anyone "learned in the law" and meets all other criteria for holding judicial office to serve until successor elected. Amends current retirement date of *end of month* in which judge turns 70 to *end of year of a general election after* judge turns 70. In House Government Operations and Elections Committee.

[New Jersey SCR 154 \(Constitutional Amendment\)](#) Eliminates the Governor and the Senate from involvement in the appointment of municipal court judges with jurisdiction extending to more than one municipality. Provides such judges would be appointed as provided in law. In Senate Judiciary Committee.

[North Carolina HB 691](#) Creates position of chief magistrate. Provides chief district judge may appoint full time magistrate for county to serve as chief magistrate at chief district judge's pleasure. In House Committee on Judiciary Subcommittee A.

[Oregon HB 3638](#) Provides all elective county or city offices, including clerks and judges, are nonpartisan for election purposes. In House Rules Committee.

[Tennessee SJR 183 \(Constitutional Amendment\)](#) Unequivocally authorizes the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges. In Senate Judiciary Committee.

Selection: Floor and Committee Activity

[Arizona SB 1472](#) ORIGINAL: For retention elections, adds a listing to voter pamphlet distributed prior to election of a judge's published decisions which declared a statute unconstitutional and the provision of the

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Constitution relied upon. Allows for statements for and against the candidate be published (similar to pro/con statements used initiatives/referendums). Provides attorneys are explicitly exempted from any discipline related to a statement placed into the pamphlet. AMENDED: Strikes language that permits a person to file an argument advocating or opposing judicial retention in a publicity pamphlet and permits the justice or judge to file a response to the arguments. Approved as amended by full House 4/13/11. Senate concurs with House amendment 4/14/11. To Governor for approval.

[Arizona SB 1482](#) Requires the Commission on Judicial Performance Review to prepare and publish on its website a list of decisions that an appellate judge made, including the official citations and electronic copies of the decision, no later than 60 days prior to the primary election for the judge's retention. Approved by full House 4/12/11. To Governor for approval.

[California SB 182](#) AS AMENDED: Requires Governor, State bar and AOC release info on sexual orientation and gender identification of judicial vacancy applicants, judicial appointees or nominees, judicial candidates, and justices and judges. Requires any demographic data disclosed or released pursuant to these provisions to also indicate the percentage of respondents who declined to respond. Approved as amended by Senate Judiciary Committee 4/11/11.

[Connecticut HB 6426](#) Requires future appointments and reappointments of family support magistrates be subject to approval by the General Assembly. Approved by Joint Committee on Judiciary 4/15/11.

[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 full House 4/15/11.

[Florida SJR 1664 \(Constitutional Amendment\)](#) Keeps merit selection system for future supreme court and district courts of appeals judges but requires they receive Senate confirmation. Approved as amended by Senate Rules Committee 4/15/11.

[Georgia HB 158](#) Changes date for non-partisan elections, including judges, to June from July. Approved with Senate amendment by full Senate 4/12/11. House concurs with Senate amendment. To Governor for approval.

Structure Changes: Newly Introduced

[New York AB 7000](#) Requires at least one supreme court justice to be assigned to hold court in each county in a judicial district. (Note: in New York, "supreme court" is court of general jurisdiction). In Assembly Judiciary Committee.

[Michigan SB 319](#) Reduces size of Court of Appeals from 28 to 24. Requires next seat made vacant or up for re-election to not be filled in each of 4 judicial districts. Reduces number of trial judges. In House Committee on Judiciary.

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Structure Changes: Floor and Committee Activity

[California AB 201](#) Authorizes superior courts to develop and implement veterans courts. Approved by Assembly Public Safety Committee 4/13/11.

[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 full House 4/15/11.

[Georgia SB 39](#) Permits creation of mental health court divisions in any court with criminal jurisdiction. Approved with Senate amendment by full Senate 4/12/11. House concurs with Senate amendment. To Governor for approval.

[Nevada AJR 7 \(Constitutional Amendment\)](#) Creates intermediate appellate court. Approved by Assembly Committee on Judiciary 4/15/11.

[Nevada SB 349](#) Creates community court pilot project to provide an alternative to sentencing for misdemeanor offenders. Approved by Senate Committee on Judiciary 4/14/11.

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

[New Hampshire HB 609](#) Consolidates probate courts, district courts, and judicial branch family division into new circuit court. Approved by Senate Judiciary Committee 4/11/11.

Other: Newly Introduced

[Georgia SB 290](#) Creates Georgia Innocence Inquiry Commission. Requires Administrative Office of the Courts provide administrative support to the commission as needed. In Senate (no committee).

[New Jersey SB 2806](#) Allows for three types of municipal courts: municipal courts of single municipalities, joint municipal courts, and central municipal courts and specifies manner of selection for each. In Senate Judiciary Committee.

[North Carolina SB 642](#) Creates Medical Malpractice Review Board. Requires Administrative Office of the Courts provide clerical and other services. In Senate Judiciary I Committee.

[North Carolina SB 580](#) Changes numerous provisions of law related to judiciary. Requires Director of the Administrative Office of the Courts' annual report include the activities of each North Carolina Business Court site, including the number of new, closed, and pending cases, the average age of pending cases, and the annual expenditures for the prior fiscal year. Permits director to prescribe policies and procedures for the assignment and compensation of magistrates performing temporary duty outside their county of residence during an emergency. Permits director to issue photographic identification cards to appropriate Judicial Department employees and officials authorizing those employees and officials to travel to and from, enter, and work in court and court-related locations for the conduct or support of essential court operations in preparation for, during, or in the aftermath of

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emergency situations, including, but not limited to, catastrophic conditions. Permits director to prescribe policies and procedures and establish and operate systems for the exchange of criminal and civil information from and to the Judicial Department and local, State, and federal governments and the Eastern Band of Cherokee Indians. Permits director to transfer equipment and supply funds to the appropriate programs and between programs as the equipment priorities and supply consumptions occur during the operating year. Allows director to set transportation per-mile rates below those set by IRS. In Senate Judiciary I Committee.

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 harm or violence against a judicial system officer or employee as an aggravating circumstance relating to a capital offense. Approved by full Senate 4/12/11.

[Arizona SCR 1001 \(Constitutional Amendment\)](#) ORIGINAL: Allows state school fund to be used for high schools. AMENDED: **Qualifications & Terms**- Increases to 8 years the term of office for Supreme, Court of Appeals, and Superior Court judges starting in 2013. Increases the judicial retirement age from 70 to 75 years old. **Appellate and Trial Court Commissions**- Removes the requirement that attorney members be nominated by the Board of Governors of the Arizona State Bar. Establishes that four attorney members be appointed by the Governor and one member be appointed by the President of the State Bar. Requires, upon an attorney member vacancy, the Arizona bar to solicit, review and forward to the Governor all applications and recommendations for appointment. Increases the time period attorney members must be admitted to practice from 5 to 10 years. Specifies that attorney members must be in good standing with the state bar, have no formal disciplinary complaints and have never been formally sanctioned as a result of disciplinary action. Requires the Commissions to submit at least eight nominees, rather than three, to the Governor to fill a vacancy in the office of a justice or judge of the Supreme Court, Appellate Court or superior court. Permits the Commissions to reject an applicant and submit less than eight nominees, unless the applicant receives a two-thirds vote. Requires the Commissions to nominate any applicant who receives a majority vote. Requires, if more than one vacancy exists in the same court at the same time, the Commissions to submit the names of at least six persons nominated to fill each vacancy and prohibits the submission of the name of the same person for more than one vacancy. 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. **Supreme Court**- Must make available through its website, every written opinion or order that is issued by a judge of a court of record that resolves a contested matter of law and that is not sealed or confidential. Must transmit a copy of the judicial performance review of each justice and judge who is up for retention to the Senate President and the Speaker of the House of Representatives at least 60 days before the regular primary election. **Legislature**- Permits a joint legislative committee consisting of the Senate and House Judiciary committees to meet and take testimony on the justices and judges who are up for retention at least 60 days prior to the general election. Approved by full House 4/14/11. To Senate to concur with amendment.

[Arizona SCR 1002 \(Constitutional Amendment\)](#) ORIGINAL: Strikes references to "solider, seamen, or marine" in constitution and replaces with "military personnel". AMENDED: Superior Court/Commission on Trial Court Appointments- Requires that judges of the Superior Court in counties of less than 600,000 be elected by the qualified electors of their county at the general election. Mandates the Governor to fill any vacancy in a county

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having a population of less than 600,000 persons by appointing a person to serve until the next election. Stipulates that judges of the Superior Court in a county with a population of more than 600,000 persons will be appointed. Allows judges currently holding office in Superior Court in counties with less than 600,000 persons to continue to serve the remainder of their term, but shall not be eligible for retention. Stipulates beginning in the next election, vacancies shall be filled and successors shall be elected. Exempts counties with a population of 600,000 persons or less from certain vacancy filling procedures in reference to the Commission on Trial Court Appointments. Grants counties with less than 600,000 the option to choose to select its judges of the Superior Court as if it has a population of more than 600,000 persons. Requires a nonpartisan Commission on Trial Court Appointments for each county having a population of 600,000 or more. Removes the language relating to the terms of appointment of the five non attorney members and two attorney members from the commission on trial court appointments. Appellate Court Selection- States that within 60 days of a vacancy of either a justice from the Supreme Court or a judge of an intermediate appellate court, the Commission on Appellate Court appointments must submit to the Governor a list of no less than three persons nominated to fill the vacancy. Other- Clarifies that any judge, justice or justice of the peace in office at the time of the adoption of an amendment to this section will continue to serve; as well as any judge, justice or justice of the peace that is elected in the same election that this is adopted will serve their terms. Exempts a justice or judge holding office in a county having a population of less than 600,000 persons from having to forfeit office upon filing papers for nomination of an elective office. Exempts justices or judges that are holding office currently in a county having a population of less than 600,000 and wish to be candidates in the next election to file with the Secretary of State. Clarifies that in the absence or incapacity of the chairman of the Commission on Trial Court Appointments the Supreme Court must appoint a Supreme Court Justice to take the place as chairman. Approved as amended by House Rules Committee 4/12/11.

[Connecticut HB 6438](#) Changes numerous provisions of probate court and its operations. Provides workers' compensation coverage for probate judges. Establishes a fee structure of twenty dollars per day when an individual copies probate court records with a hand-held scanner. Permits the Probate Court Administrator to establish a fee structure for electronic access to data processing systems. Approved by Joint Committee on Judiciary 4/5/11.

[Florida HB 7115](#) Repeals provisions relating to judicial census commissions. Approved by full House 4/14/11.

[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 full House 4/14/11.

[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

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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) 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 by full House 4/14/11.

[Florida SB 1398](#) Repeals statutes related to regular terms of court for the Florida Supreme Court, compensation of the Florida Supreme Court marshal, commissions for taking a census of the population of judicial circuits, term of the circuit courts, a judge's attendance at the first day of a term, a judge's stated reason for nonattendance, the penalty for nonattendance of a judge, adjournment of court upon nonattendance of a judge, calling the docket at end of a term, identification of the sheriff as the executive officer of the circuit court, requiring the clerk of circuit court, or his or her deputy clerk, to reside at the county seat or within two miles of the county seat, regular terms of court for the district courts of appeal, compensation of the marshals for the district courts of appeal, and guardians of incapacitated world war veterans. Approved by Senate Judiciary Committee 4/12/11.

[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 Budget Committee 4/15/11.

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[Georgia HB 265](#) Creates 2011 Special Council on Criminal Justice Reform for Georgians. Council to report to Chief Justice, Governor, Lieutenant Governor and Speaker of the House of Representatives by November 2011. Approved with Senate amendment by full House 4/14/11. To Governor for approval.

[Georgia SB 47](#) Changes provisions relating to the composition and responsibilities of the Georgia Magistrate Courts Training Council. Approved by full House 4/12/11. To Governor for approval.

[Hawaii HB 298](#) Exempts court interpreters from parking violations for expired meters. Approved with Senate amendment by full Senate 4/12/11. House does not concur with Senate amendment.

[Hawaii SB 11](#) ORIGINAL: Transfers responsibility for judiciary security personnel from department of public safety to newly created office of the sheriff within the department of the attorney general. AMENDED: Creates a task force to determine whether a new Department of the Sheriff is needed, and if its establishment is feasible and needed, to begin the planning process. Approved with Senate amendment by full Senate 4/12/11. House does not concur with Senate amendment.

[Illinois SB 63](#) ORIGINAL: Provides that the State Board of Elections shall not post the home address of any Supreme, Appellate, or Circuit Judge, or any candidate for Supreme, Appellate, or Circuit Judge, on its website. AS AMENDED: Provides that, no later than 2 business days following the last day to file an objection to a candidate for judicial office, the State Board of Elections shall remove the home residence address of each Supreme, Appellate, or Circuit Judge, and each candidate for Supreme, Appellate, or Circuit Judge, listed on its website. Approved by full Senate 4/12/11.

[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). Senate concurs with House amendment 4/11/11. To Governor for approval.

[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

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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 full House 4/14/11.

[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 4/11/11.

[Montana SJR 29](#) Requests Legislative Council interim study of restorative justice. Approved by Senate Judiciary Committee 4/11/11.

[Montana SJR 26](#) Directs Joint Subcommittees on Appropriations monitor the Court Help Program and the Water Courts during interim. Approved by full Senate 4/12/11.

[Nevada AB 121](#) ORIGINAL: Requires state court administrator examine the condition of the physical security of all courts, assess any threats that endanger the public, court facilities or judicial officers and employees and make recommendations to and carry out the directions of the Chief Justice to ensure and maintain security for all persons accessing judicial services. Authorizes certain personnel of the capitol police to provide, under certain circumstances, security services to the justices and employees of the Supreme Court while working at locations outside the grounds of the Supreme Court building. Allows supreme court to contract out for additional security of supreme court and grants those appointed powers of a peace officer when the security officer is carrying out duties prescribed by the Court Administrator. AMENDED: Removes references to state court administrator examinations of court security. Strikes references to Capitol Police providing security to supreme court employees. Approved by Assembly Committee on Judiciary 4/15/11.

[Nevada AB 195](#) AS AMENDED: Requires that, before a court record is destroyed by the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court, the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system. Provides a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the record on microfilm or saving 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. Amended on floor and rereferred to Assembly Committee on Ways and Means 4/15/11.

[Nevada SB 26](#) AS AMENDED: Modifies numerous provisions of law pertaining to courts/judicial administration. Authorizes the court to enter a civil judgment for the amount of any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant and permits a finding and punishment for contempt for failure to pay. Approved as amended by Senate Committee on Judiciary 4/15/11.

[Ohio SB 61](#) Specifies residential and familial information of probation officers and bailiffs is not a public record. Approved by Senate Judiciary Criminal Justice Committee 4/13/11. Approved by full Senate 4/13/11.

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[Tennessee HB 2039](#) Authorizes judges who complete certain firearms training to carry a weapon in courtrooms. Approved by House Judiciary Committee, General Subcommittee 4/13/11.

[Texas HB 1754](#) Reorganizes powers and duties among agencies and entities in Texas that provide representation to indigent defendants. Creates Texas Indigent Defense Commission. Requires the Office of Court Administration of the Texas Judicial System to provide administrative support, including information technology services support, to the commission as necessary to carry out the bill's provisions relating to the commission. Requires courts provide all rules and forms that describe county procedures for providing indigent defendants with counsel, any revisions to those rules or forms previously submitted, or verification that rules and forms previously submitted still remain in effect. Approved as amended by House Criminal Jurisprudence Committee 3/29/11.

[Texas HB 1771](#) Creates Specialty Courts Advisory Council in the governor's criminal justice division to assist with the review and prioritization of grant applications from specialty courts. Approved by House Committee on Judiciary & Civil Jurisprudence 4/6/11.

[Texas HCR 60](#) Warns of "international law can influence the supreme court's rulings, as illustrated in the 2005 decision *Roper v. Simmons*, raising the possibility that a future court might allow external authorities to erode the American tradition of treating parental rights as fundamental rights." Finds "Explicitly enumerating the rights of parents in the Constitution of the United States will protect these rights in perpetuity from the shifting ideologies and interpretations of the supreme court and from the threat of being placed under the jurisdiction of the international community." Urges Congress adopted a Parent's Rights Amendment to U.S. Constitution. Approved by House Select Committee on State Sovereignty 4/14/11.

[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 full Senate 4/12/11. To Governor for approval.

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