

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending June 17, 2011

Volume 5, Issue 25

## **Jurisdiction: Newly Introduced**

NONE

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

NONE

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

[New York SB 5729 \(Constitutional Amendment\)](#) Authorizes retired judges and justices to serve as justice of supreme court until age 80 (Note: In New York, the state's supreme court is the trial court of general jurisdiction). In Senate Rules Committee.

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

[Oregon SJR 14 \(Constitutional Amendment\)](#) ORIGINAL: Provides person serving as an Oregon judge may be employed by the Oregon National Guard for the purpose of performing military service or may be employed by the State Board of Higher Education or a school board for the purpose of teaching, and the employment does not prevent the person from serving as a judge. AMENDED: Drops references to national guard/military service. Approved by full Senate 6/8/11.

[Pennsylvania HB 1438](#) Requires all "governing authorities", including the Supreme Court for these purposes, to required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees. Sets form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions. Approved as amended by House Local Government Committee 6/14/11.

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

NONE

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

NONE

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

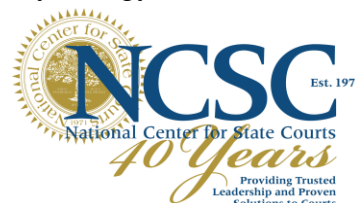
[Wisconsin AB 182](#) Provides if a person fails to pay a judgment ordered by a municipal court, the court may issue an order assigning not more than 25 percent of the person's earnings, worker's compensation, pension, and other money due to the person, including lottery prizes, to pay the unpaid judgment. In Assembly Energy and Utilities Committee.



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## Salary and Budget: Floor and Committee Activity

[California SB 384](#) Requires the payment of a single complex case fee on behalf of all plaintiffs in a civil case. Approved by Assembly Judiciary Committee 6/14/11.

[Louisiana HB 270](#) AS AMENDED: 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. Approved by full Senate 6/14/11. To Governor for approval.

[Louisiana HB 522](#) Provides deadlines for submission of court cost proposals to the Judicial Council and provides that the review process for court costs and fees shall not apply to mayor's courts, magistrate courts, or justice of the peace courts. Approved Senate Committee on Judiciary A 6/14/11.

[Louisiana HB 553](#) ORIGINAL: Requires each court having criminal jurisdiction to utilize a uniform fines and costs assessment form, approved by the supreme court, to record all fines, fees, costs, and assessments imposed on each criminal defendant. Requires the person or agency responsible for receiving these funds to distribute them monthly with an itemized detail of the source of the funds. AS AMENDED BY SENATE: Removes all references to uniform fines and costs assessment form. House does not concur with Senate amendments 6/14/11.

[New York AB 8007](#) Provides that any grant or gift of money to the unified court system shall be disposed of by the chief administrator of the courts in the manner provided by law. Approved by full Assembly 6/14/11.

[Oregon SB 676](#) ORIGINAL: Directs Governor and Chief Justice to report to Legislative Assembly on plan to implement continuous improvement strategies. AMENDED: Directs Governor and Chief Justice to report to Legislative Assembly on plan to implement outcomes-based strategies. Approved by full Senate 6/14/11. Approved by House Ways and Means Committee 6/16/11.

[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 Appropriations Committee 6/14/11.

## Selection: Newly Introduced

NONE

## Selection: Floor and Committee Activity

[California AB 126](#) AS AMENDED: Requires the current governor and future governors to make public the identities of those persons participating in the selection and evaluation of judges, exempting from such disclosure all gubernatorial employees. Requires that each member of the designated agency of the State Bar responsible for evaluation of judicial candidates complete a minimum of 2 hours each year of mandatory training in the areas of fairness and bias in the judicial appointments process. Clarifies existing requirements imposed on the Governor, the Bar, and the Administrative Office of the Courts for collecting annual demographic data, including a requirement that, with respect to the collection and release of demographic data, the State Bar and the Administrative Office of the Courts use the ethnic and racial categories designated and used by the United States Census Bureau for the 2010

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Census, and each year thereafter for reporting purposes. Approved as amended by Senate Judiciary Committee 6/14/11.

[Rhode Island SB 686](#) Makes any individual whose name was publicly submitted to the governor by the judicial nominating commission, eligible for subsequent nomination by the governor until June 30, 2012. Approved by Senate Judiciary Committee 6/14/11.

## Structure Changes: Newly Introduced

NONE

## Structure Changes: Floor and Committee Activity

[California AB 201](#) Authorizes superior courts to develop and implement veterans courts. Approved by Senate Veterans Affairs Committee 6/15/11.

[Louisiana HCR 143](#) AS SENATE AMENDED: Requests that the Supreme Court conduct a comprehensive study of the caseload data and the number of judges of each appellate court, district court, parish court, and city court, in Louisiana to determine changes necessary to the existing structure of the judiciary to provide the most efficient use of judicial resources. Requests report of findings and recommendations findings and recommendations regarding the courts of appeals and parish courts by February 15, 2012 and regarding the district courts and city courts by February 15, 2014. Approved with Senate amendment by full Senate 6/15/11. To House to concur with amendments.

[Louisiana HCR 161](#) ORIGINAL: Urges and requests the Louisiana Supreme Court to conduct an examination of the court system in this state to determine if the existing structure of the judiciary is the most appropriate use of judicial resources, to develop a formula the legislature may use in determining the appropriate number of judges in each geographic region in this state, and to report its findings and recommendations to the legislature prior to February 1, 2012. AMENDED: Same, but adds diversity to the list of factors to be studied. Approved as amended by House Committee on Judiciary 6/15/11.

[Louisiana HR 13](#) Requests the House Committee on House and Governmental Affairs to review the issue of the redistricting of courts particularly as it relates to the domicile and residency requirements of judges and judicial candidates. Approved by full House 6/15/11. No further approvals required.

[Rhode Island SB 117](#) ORIGINAL: Redistricts state district court. Reduces number of divisions of the district court from 6 to 4. HOUSE AMENDED: Same, but alters towns/cities in each district. Senate concurs with House amendments 6/14/11. To Governor for approval.

[Rhode Island SB 738](#) Adds a representative from the traffic tribunal to the commission on judicial tenure and discipline. Approved by House Judiciary Committee 6/15/11.

## Other: Newly Introduced

[New Jersey SR 121](#) Respectfully requests NJ Supreme Court to provide expedited disposition of animal cruelty cases involving impoundment of animals. In Senate Judiciary Committee.

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[New York AB 7948](#) Requires state agencies, including administrative office of the courts, which directly serve the public to enact policies to ensure that people who do not speak English well receive the interpretation and translation services they need in order to access vital government programs. In Assembly Governmental Affairs Committee.

[New York AB 8301](#) Enacts the public integrity reform act of 2011. Creates Joint Commission on Public Ethics to oversee new ethics rules/laws for public officials. Defines "public official" as judges, justices, and employees of unified court system who are hired/elected after enactment. In Assembly Rules Committee.

[New York AB 8368](#) Specifies courts and types of actions in which pilot programs will be authorized to permit use of electronic means to commence an action or special proceeding. In Assembly Judiciary Committee.

[New York SB 5733](#) Requires state agencies, including administrative office of the courts, that directly serve the public to enact policies to ensure that people who do not speak English well receive the interpretation and translation services they need in order to access vital government programs. In Senate Rules Committee.

[Pennsylvania HB 1656](#) Requires judicial department make use of competitive, sealed bidding in awarding any contract with a private collection agency. In House State Government Committee.

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

[California SB 264](#) Repeals requirement that local public agencies file a record of all known or reported injuries incurred by skateboarders in a public skateboard park with the Judicial Council and the Council report on them. Approved by Assembly Judiciary Committee 6/16/11.

[Delaware HB 64](#) Provides for courts in state "Law clerks hold major, non-tenured advisory positions for the [judges/justices of courts]. The [court] may appoint and remove at pleasure such judicial law clerks as shall be necessary for the proper operation of the Court." Approved by full Senate 6/14/11. To Governor for approval.

[Delaware SB 116](#) Grants bailiffs, judicial assistants and court security officers powers incident to a peace officer exercisable in any courthouse or property maintained or used as a courthouse within the state. Approved by Senate Judiciary Committee 6/15/11. Approved by full Senate 6/16/11.

[Delaware SCR 21](#) Creates a Blue Ribbon Task Force to review the feasibility of opening Family Court proceedings to the public. The report is due by February 15, 2012 with a copy delivered to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. In Senate Judiciary Committee.

[Louisiana HB 14](#) Allows judges and justices of federal courts domiciled in state to carry firearms at the same times and places as state judges. Approved Senate Committee on Judiciary B 6/14/11.

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[Louisiana HCR 3](#) Creates the Constitutional Convention Study Commission to study the feasibility and advisability of a constitutional convention and to make recommendations to the legislature for the calling of such convention if a convention is found feasible and advisable. Provides Chief Justice is to appoint two members and provide one half-time employee to be assigned to Commission. Approved by full House 6/14/11.

[Louisiana HR 102](#) Requests the 24th Judicial District (Jefferson Parish) Court to study the composition of the court and to work with the legislature to determine what adjustments should be made. Approved by full House 6/16/11.

[Louisiana SCR 44](#) ORIGINAL: Requests the chief justice of the Louisiana Supreme Court to create a Families in Need of Services Commission that will study and issue recommendations regarding the governance, structure, target population, and necessary legislation. AMENDED: specifies Commission will end December 31, 2012. Approved as amended by House Committee on Judiciary 6/15/11.

[Maine HB 1132](#) Provides that if a county elects to have its court security services provided by its qualified deputy sheriffs, the State Court Administrator shall contract with that county sheriff's office for the performance of court security related functions and services. Rejected by Joint Committee on Judiciary 6/10/11. Rejected by full House & Senate 6/14/11.

[New York AB 409](#) Establishes the crimes of menacing, assault, and aggravated assault on a judge or a district attorney. Approved by full Senate 6/16/11.

[New York SB 2143](#) Establishes the crimes of menacing, assault and aggravated assault on a judge or a district attorney. Replaced by AB 409.

[New York SB 5679](#) Enacts the public integrity reform act of 2011. Creates Joint Commission on Public Ethics to oversee new ethics rules/laws for public officials. Defines "public official" as judges, justices, and employees of unified court system who are hired/elected after enactment. Approved by full Senate 6/13/11. Approved by full Assembly 6/13/11. To Governor for approval.

[Pennsylvania HB 1546](#) Provides Juvenile Court Judges' Commission is to collect and analyze statistical trends, evidence-based programs and practices and other data as may be necessary to ensure reasonable and efficient administration of the juvenile court system, to make recommendations to judges, the Administrative Office of Pennsylvania Courts and other appropriate entities and to post on the commission's Internet website appropriate information. Approved by House Appropriations Committee 6/13/11. Approved by full House 6/13/11.

[Rhode Island HB 6026](#) Adds a representative from the traffic tribunal to the commission on judicial tenure and discipline. Approved by Senate Judiciary Committee 6/16/11.

[Texas HB 79 \(Special Session\)](#) Alters 75+ sections of law related to the Alternative Dispute Resolution for Criminal Matters, Appellate Court Provisions, Associate Judges (Statutory Probate Court Associate Judges, Juvenile Matters Associate Judges, Civil Associate Judges, and Criminal Associate Judges), Court Administration, Court Costs, General Provisions for District Courts, Grant Programs, Inmate Litigation, Provisions Related to Exempting Certain Judicial Officers from Certain Concealed Handgun Licensing Requirements, Provisions Relating to Justice and Small Claims Courts, Statutory County Courts, Study by Office of Court Administration of Texas Judicial System, Suits Affecting the Parent-

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Child Relationship, and Vexatious Litigants. Approved by House Judiciary & Civil Jurisprudence Committee 6/14/11.

[Wisconsin SB 93](#) Adds general prohibition against carrying weapons into a courthouse. Provides exemptions to allow carrying into courthouse by judges, those authorized by a judge in writing, and district attorneys. Approved by full Senate 6/14/11.

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