

Gavel to Gavel

A review of state legislation affecting the courts

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Focus: Wyoming

Despite adjourning a week early, the Wyoming legislature passed a variety of legislation impacting that state's courts.

[HB 20](#) holds that compensation received by senior status judges when temporarily assigned to a case has no impact on retirement benefits received during that time.

Unlike many states that increase or modify judicial salaries as part of an appropriations bill, Wyoming passed their judicial raises as a separate piece of legislation. [SB 38](#) raised judicial salaries for Supreme Court justices to \$119,300, District Court judges to \$113,600, and Circuit Court judges to \$93,200.

[SB 54](#) creates a steering committee to study drug courts and make recommendations regarding administration, use of non-judges for proceedings, and related issues. The committee is required to report their findings by August 1, 2007 and again by August 1, 2008.

A particular one-chamber bill was of note.

[HB 109](#) would have created judicial sabbaticals of up to 120 days every eight years for judges or justices that had served at least seven years and promised to serve after the sabbatical at least three more years. The program was to have been administered by the Supreme Court. It passed the House 54-4 but was not even assigned to a committee in the Senate.

Finally, two bills that failed to pass did so by relatively small margins.

[SB 11](#) would have adjusted benefit and eligibility calculations for early judicial retirement. It failed on the Senate floor 14-15.

[SB 47](#) would have authorized the Wyoming Supreme Court to establish pilot projects to reimburse law enforcement agencies for courthouse security and provide \$1 million to fund the projects. After it passed out of committee, it was floor amended down to \$500,000 and ultimately rejected by the full Senate 12-17.



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Newly Introduced

Selection

[IOWA SB 381 \(2007\)](#) Amends and changes variety of laws pertaining to judiciary. For vacancies on the court of appeals, decreases from 5 to 3 number of nominees submitted to governor by state judicial nominating commission. Eliminates the existing formula for the distribution of district judges among the judicial election districts. New formula to be created by the Supreme Court based on an estimated case related workload formula of judicial officers and accounting for administrative duties, travel time, and other judicial duties not related to a specific case. However, as per existing law, an incumbent district judge cannot be removed from office because of a reduction in the number of authorized judgeships within a particular judicial election district and the number of judges remains capped at 116. In counties with a population of under 300,000 inhabitants, chief judge of the judicial district to appoint a patient advocate. Currently selection made by the district court in the county. Prohibits a member of the county magistrate appointing commission from being appointed to or nominated for the office of associate juvenile judge or associate probate judge. Prohibits a member of the county magistrate appointing commission from voting for a family member or current law or business partner. Provides that a judge, clerk, or deputy clerk serving as a fiduciary may be compensated for providing fiduciary services if such services are for a close friend's or family member's estate, trust, guardianship, or conservatorship. Passed unanimously by Senate and in House Judiciary committee

[MARYLAND HB 1363 \(2007\)](#) Merit selection for Circuit Court judges. Reduces terms from 15 years to 10 years. In House Judiciary committee

[RHODE ISLAND HB 5529 \(2007\)](#) Change composition of the commission on judicial tenure and discipline. Combines seat designated for worker's compensation judge with seat for district court judge. Adds additional at large seat for judiciary. Adds one member of the legislature. In House Separation of Powers committee

[TEXAS HB 1908 \(2007\)](#) Creates a merit selection process for most judges and justices. Bill is contingent on passage of a merit selection constitutional amendment. In House Judiciary committee

[TEXAS HJR 78 \(2007\)](#) Creates a merit selection requirement in the state constitution for most judges and justices. In House Judiciary committee

Qualifications and Terms

NONE

Rule Making Authority

[HAWAII HR 54 \(2007\)](#) Repeals the authority of the judicial salary commission to determine judiciary administrators' salaries. Maximum salary of administrative director set as 80% of the Chief Justice; maximum deputy administrative director's salary set at 95% of administrative director's salary. Approved by Senate Ways and Means and Judiciary and Labor committees as amended and by full Senate 25-0. In House Judiciary, Labor and Finance committees

[IDAHO HB 20 \(2007\)](#) Provides that when a court orders supervised access between a parent and their child, the access be overseen by a person appointed by the court who meets the qualifications and training established by Supreme Court rule. Requires access supervisors be subject to criminal background checks and the results maintained by the Supreme Court. Approved as amended unanimously by both House and Senate and on way to Governor for approval.

[MAINE HB 840 \(2007\)](#) Provides that plans, arrangements and files involving court security matters may be provided to a certified bargaining agent of the Judicial Department's employees. In House Judiciary committee

[TEXAS HB 1903 \(2007\)](#) Justices of the Peace who are attorneys need only complete the continuing education requirements to remain as an active attorney. In House Judiciary committee

[WISCONSIN AJR 24 \(2007\)](#) Requires the state supreme court meet in public when it confers on cases. In Assembly Elections and Constitutional Law committee

Structure Changes

[OKLAHOMA HB 2106 \(2007\)](#) Requires creation of business division in district courts with a population over 300,000. Specifies actions which must be taken and which must not be take by the business divisions. Approved by House Judiciary and Public Safety committee and approved by full House 87-10. In Senate with no committee yet assigned

[PENNSYLVANIA SB 117 \(2007\)](#) Recreates and recodifies Juvenile Court Judges' Commission within the Executive Branch's Department of Justice. Commission to examine administrative, judicial, and personnel practices of the juvenile courts. In Senate Judiciary committee

Jurisdiction

[ALABAMA HB 227 \(2007\)](#) Recodifies and redefines jurisdiction of juvenile courts. Consolidates provisions in various statutes into one chapter. In House Judiciary committee

[ALABAMA SB 93 \(2007\)](#) See ALABAMA HB 227. In Senate Judiciary committee

[RHODE ISLAND HB 5914 \(2007\)](#) Constitution and all rights protected under it declared self-executing. Any provision of the Constitution to be heard in any appropriate court without need for enabling legislation. In House Judiciary committee

[RHODE ISLAND SB 845 \(2007\)](#) Grants District Court exclusive original jurisdiction over second and third violations of refusal to take a blood test related to driving under influence charges. In Senate Judiciary committee

[TEXAS HB 335 \(2007\)](#) Specifies that District Courts have jurisdiction over any proceeding against a trustee, regardless of whether the proceeding is specified in a particular statute. Approved by House Judiciary and full House, in Senate with no committee yet assigned.

Salary and Budget

[ARIZONA HB 2758 \(2007\)](#) Alters the contributions that counties make to various Arizona Health Care Cost Containment System (AHCCCS) administrative costs, Acute Care, and justice of the peace (JP) salaries. Passed House Appropriations and Rules committees and passed full House as amended. In Senate Government, Rules and Appropriations committees.

[IOWA HB 641 \(2007\)](#) Modifies the manner in which court revenue is reconciled between a city and the clerk of the district court. Permits clerk of district court to offset any money owed by the city before distributing any amounts owe to the city, and vice versa. No committee yet assigned

[IOWA SB 396 \(2007\)](#) Increases the maximum annual deposit into the enhanced court collections fund from \$4 million to \$5 million. If the annual deposit into the fund exceeds \$4 million, up to \$1 million of the excess funds shall be used to establish a courthouse security grant program for counties to purchase courthouse security equipment or building enhancements that improve courthouse security. Establishes a commission to administer the grant program. Approved by Senate Judiciary committee and in Senate Appropriations committee.

[MICHIGAN HB 4425 \(2007\)](#) Increases retirement allowance for judges. In House Judiciary committee

[NEW MEXICO SM 32 \(2007\)](#) Requests Administrative Office of the Courts and others study statutory requirement that counties provide facilities for District Courts and District Attorneys. Focus of the study, due November 30, 2007, to be on security

personnel and facility. Approved by full Senate and signed by Senate President.

[NORTH CAROLINA SB 659 \(2007\)](#) Elected officials that are members of the Judicial Retirement System or other retirement systems forfeit their pensions on conviction of a felony. In Senate Judiciary I (Civil) committee

[OKLAHOMA HB 2050 \(2007\)](#) Modifies numerous laws pertaining to the District Courts. Makes changes to fees paid to jurors, the state's Lengthy Trial Fund, collection of fees by the court and use of credit or debit cards, expands sources courts may use to obtain names for jury service, changes exemptions for jury service, etc. Approved by House Judiciary and Public Safety committee and by full House and further amended. In Senate with no committee yet assigned.

Other

[HAWAII SB 1158 \(2007\)](#) Establishes within the judiciary a citizen's family law advisory committee to be appointed by the chief justice to provide input on proposals of the family court to modify administrative procedures, and improve access of consumers to the judiciary. Approved by Senate Human Services and Public Housing and Judiciary and Labor committees as amended and by full Senate 25-0. In House Judiciary and Finance committees

[MISSOURI SB 685 \(2007\)](#) Creates the crime of murder of a criminal justice official in the first degree. Criminal justice official includes judges. In Senate Judiciary and Civil & Criminal Jurisprudence committee

[NEVADA SB 202 \(2007\)](#) Requires State Court Administrator collect and report statistical information on number of temporary and extended orders for protection against domestic violence issued, including how many extensions have been ordered and how many protection orders were issued to men and women. In Senate Judiciary committee

[NEW MEXICO HB 1192 \(2007\)](#) Prohibits intimidation or retaliation against a judge. Passed House Consumer and Public Affairs committee, amended by substitution and passed by House Judiciary committee, approved unanimously by House.

[NORTH CAROLINA SB 184 \(2007\)](#) Permits judicial officers to list a business address, rather than a home address, on statements of economic interest. Permits use of initials when listing unemancipated children. Approved by Senate Judiciary II (Criminal) committee and full Senate 45-0 as amended. In House Judiciary I committee

[OHIO SB 100 \(2007\)](#) Increases penalties for offenses when a judge or magistrate is the victim. Prohibits threatening a judge or magistrate. Makes the killing of a judge or magistrate an aggravating circumstance for the imposition of the death penalty for aggravated murder. No committee yet assigned

[RHODE ISLAND 5525 \(2007\)](#) Changes process of distribution of supreme court decisions. Copies no longer to be sent to governor, lieutenant governor, etc. Instead, to be posted on web. House Judiciary committee voted to hold bill over for further study.

[TENNESSEE SJR 139 \(2007\)](#) Popular election of various officials, including attorney general (currently, attorney general is selected by the Supreme Court). In Senate Judiciary committee

[TEXAS HB 335 \(2007\)](#) Requires court transcripts be prepared and sent to party within 120 days of their application or payment. Passed House Judiciary and full House, in Senate with no committee yet assigned.

[TEXAS HB 2263 \(2007\)](#) Permits judges request their home address not be listed in publicly available voter registration lists and other forms held in connection to elections and voting. In House Elections committee

[TEXAS SB 1024 \(2007\)](#) Allows appellate courts access to employment applicant's criminal background information. In Senate Criminal Justice committee

Floor and Committee Activity

[DELAWARE HB 53 \(2007\)](#) Removes the surplus "Associate" in referring to Judges of the Superior Court and Family Court in the Constitution. Amendment passed previous legislature, if approved again becomes part of Constitution. Approved by House Judiciary committee and unanimously by full House.

[FLORIDA HB 1167 \(2007\)](#) Creates pilot program for the creation of special divisions or sections to handle complex business, corporate, and commercial disputes. The one year pilot program is to be conducted in three judicial circuits. Approved by House

Courts committee and referred to House Safety & Security Council.

[INDIANA SB 41 \(2007\)](#) Extends until July 2011 the Commission on Courts, which is tasked with reviewing and reporting on all requests for new courts or changes in jurisdiction of existing courts. Approved by House Courts and Criminal Code committee

[IOWA HB 579 \(2007\)](#) Expands definition of court seal to include electronic seals. Removes requirement that Supreme Court Clerk mail copies of all decisions to parties. Approved unanimously by House, in Senate with no committee yet assigned.

[KENTUCKY SB 54 \(2007\)](#) Requires Circuit Court give priority to certain candidate challenges immediately before an election. Sets deadlines for Circuit Court to render a decision. Sets deadlines for appeals or reconsiderations of the Circuit Court's decision by the Supreme Court or the Court of Appeals. Requires all courts give preference to these matters above all other civil proceedings. Approved by Senate State and Local Government and Rules committees as amended and approved by full Senate 29-1. In House Elections, Constitutional Amendments & Intergovernmental Affairs committee

[KENTUCKY SB 153 \(2007\)](#) AMENDED: Creates minimum qualifications and training requirements for certified court security officers. Specifically states sheriff is responsible for court security, and that upon the sheriff's failure or refusal, the Court of Justice is required to contract with a local government for court security services. Approved by full Senate as amended 31-1. Approved by full House as amended 89-9. Sent to Governor for approval.

[MARYLAND SB 46 \(2007\)](#) Provides for the nonpartisan election of Circuit Court judges. Approved by Senate Education Health and Environmental Affairs committee.

[MISSISSIPPI HB 1158 \(2007\)](#) ORIGINAL: Chief Justice to appoint for the Court of Appeals an Opinion Editor. AMENDED: Court of Appeals authorized to employ an Opinion Editor. House refuses to concur on Senate amendments, invited Senate to conference committee to reconcile differences.

[MISSISSIPPI SB 2567 \(2007\)](#) Requires nonpartisan elections for Justice Court judges. Passed Senate Elections committee and Senate 43-9. Amended and passed House Apportionment and Elections committee. Approved by Senate with Senate amendments. House refuses to concur on Senate amendments, invited Senate to conference committee to reconcile differences.

[MONTANA HB 60 \(2007\)](#) Creates a self-help law program under the administration of the Supreme Court. Program must develop legal forms for the public and training for judges and others on self-represented litigants. Tabled by House Appropriations committee

[MONTANA HJ 43 \(2007\)](#) Authorizes committee to determine if there is adequate legislative oversight of the Judicial Branch of government and a variety of other matters pertaining to the judiciary. Passed House 78-20, in Senate with no committee yet assigned.

[NORTH DAKOTA SCR 4004 \(2007\)](#) Directs the Legislative Council to study the

respective responsibilities of county and state judicial system personnel under the Uniform Juvenile Court Act in light of statutory ambiguities in defining those responsibilities. Passed House Judiciary committee

[TENNESSEE HB 395 \(2007\)](#) Clarifies that if the elected successor to a judicial office becomes ineligible to serve prior to September 1 due to death or other reason, a vacancy exists in that position. Approved by House Judiciary committee and unanimously by full House. In Senate with no committee yet assigned

[TEXAS HB 842 \(2007\)](#) Requires the addresses of judges and justices be removed from publicly available copies of their personal financial statements. Approved by House State Affairs committee

[WASHINGTON HB 1590 \(2007\)](#) Permits cities to contract with other cities for the delivery of municipal court services. Requires municipal courts to exercise jurisdiction over traffic infractions. Passed full House as amended 97-0. In Senate with no committee yet assigned

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