

Gavel to Gavel

A review of state legislation affecting the courts

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Focus: Arkansas

Most bills impacting the courts in the Arkansas legislature in 2007 either made their way into law or went nowhere in 2007.

[HB 1384](#) grants the district court concurrent jurisdiction over eviction proceedings (currently, only circuit court has jurisdiction).

[HB 1507](#) permits a person appointed to fill a vacancy as a judge of the Court of Appeals to be a candidate for election to any Court of Appeals judgeship while he or she is holding office. It also permits a person appointed to fill a vacancy as a Circuit Court judge to run for another Circuit Court judgeship as well.

[HB 2319](#) creates a retention schedule for court records in district and city courts and modifies requirements for accounting by the courts.

[HB 2553](#) and its companion [SB 18](#) expands drug courts in the state and creates a Division of Drug Court Programs in the state's Administrative Office of the Courts. HB 2553 passed the full House but died in the Senate in favor of SB 18, which passed the full Senate and House.

[SB 89](#) requires the state's AOC provide assistance and support to cities and counties in the adoption of local court security plans and provision of court security for county and district courts. It also creates a state court security grant program under the administration of the AOC and a certification and training program for court security officers.

[SB 90](#) abolishes the states' District Judge Retirement System and transfers its functions to the Arkansas Public Employees Retirement System.

[SB 235](#) creates a pilot project to consolidate many City Courts into District Courts, with the new judges to be full-time District Court judges that are employees of the state. The bill also creates a District Court Resource Assessment Board.

[SB 242](#) establishes the confidentiality of juror information held by the courts and specifies who may have access to such records and when. In addition, the bill requires that jury lists, jury summons and documents related to jury selection in criminal cases be permanently maintained by the courts.



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Two bills that had no legislative activity where nevertheless of note:

[SJR 2](#) would have extended the terms of County Judges, Justices of the Peace, and Clerks of the Circuit Courts from 2 to 4 years. In additions, the requirements for Justices of Peace would have changed.

[SJR 9](#) would have limited Supreme Court justices and judges of the Court of Appeals to 2 terms in office. The legislation would also have subjected nearly every elected official in the state, including almost all judicial officers, to recall elections. Finally, the bill would have extended various terms of office, similar to SJR 2 noted above.

Selection

[ALABAMA HB 605 \(2007\)](#) Nonpartisan election of circuit and district court judgeships. Filing fee paid by the candidates to be deposited into the State General Fund, or candidate may file affidavit of indigency in lieu of payment of the filing fee. In House Constitution and Elections committee

[ALABAMA SB 357 \(2007\)](#) Merit selection for all judges and justices that are not already under such plans through prior amendments or local laws. Creates corresponding commissions. No impact on means of re-election at end of respective terms. (see [HB 536](#)) In House Judiciary committee

Qualifications and Terms

NONE

Rule Making Authority

NONE

Structure Changes

NONE

Jurisdiction

NONE

Salary and Budget

NONE

Other

[DELAWARE SB 75 \(2007\)](#) Establishes a Court Security Fund to provide supplemental funding for court security personnel, equipment and training based upon a plan submitted by the Chief Justice and reviewed by the Office of Management and Budget and the Joint Finance Committee. Funding to come from supplemental court security assessment on case filings of up to \$10.00. After three years, assessment may increase, based on consumer price index. In Senate Finance committee

[OHIO HB 141 \(2007\)](#) Increases penalties for crimes committed in courthouses. Any assault or menacing that occurs in a courthouse or building containing a courtroom is at minimum a fifth degree felony. No committee yet assigned

Floor and Committee Activity

[ARIZONA HB 2750 \(2007\)](#) ORIGINAL: Limited the boards of supervisors' authority to place Justice Courts in the same location within the county. AMENDED: Grants justice courts in counties over 2 million people original jurisdiction over small claims, civil actions, and some misdemeanor and civil traffic offenses. Approved by full Senate as amended.

[COLORADO HB 1129 \(2007\)](#) Creates a Restorative Justice Coordinating Council within the office of the State Court Administrator to support the creation of restorative justice programs. Signed into law by Governor.

[COLORADO SB 118 \(2007\)](#) Creates the court security cash fund commission and court security cash fund to provide supplemental funding to counties with the most limited financial resources through grants for ongoing security staffing, security equipment costs, training of local security teams, and emergency court security needs. Requires a \$5 surcharge on certain court filing fees for civil actions and criminal convictions. Approved by House Judiciary committee

[GEORGIA HB 197 \(2007\)](#) Repeals provisions allowing review of sentences of imprisonment for a period exceeding 12 years by a three-judge panel. Approved by Senate Judiciary committee

[HAWAII HB 600 \(2007\)](#) Requires the judiciary to certify interpreters under rules, procedures and standards set by the administrative director of the courts.

Requires courts appoint and use certified interpreters in legal proceedings. Approved as amended by Senate. House declines to concur in Senate amendments and conference committee established to reconcile differences.

[HAWAII HB 1210 \(2007\)](#) Changes selecting, qualifying, summoning, managing, and compensating prospective jurors and jurors. Courts required to compile master list for selection of jury pool; master list must include identifying information, such as last name, first name, middle initial, date of birth, gender, address, and social security number. The contents of the completed juror qualification forms, redacted to exclude a juror's social security number, driver's license number, home and business telephone numbers, street address, and other personal information and identifiers, may be made public. Approved as amended by Senate. House declines to concur in Senate amendments and conference committee established to reconcile differences.

[HAWAII HB 1211 \(2007\)](#) Increases fees for court-appointed counsel and guardians ad litem in family court cases. Requires the judiciary to provide the department of budget and finance with fees-related information so that the department can approve the necessary vouchers. Approved as amended by Senate. House declines to concur in Senate amendments and conference committee established to reconcile differences.

[HAWAII SB 1954 \(2007\)](#) SENATE VERSION: Requires public disclosure of all disciplinary sanctions imposed on any justice or judge along with the findings and recommendations by the Commission on

Judicial Conduct. HOUSE VERSION: Requires public disclosure of only those disciplinary sanctions for serious misconduct. House/Senate conference committee established to reconcile different versions.

[ILLINOIS SB 996 \(2007\)](#) Provides that circuit judges elected from a subcircuit in a circuit shall run for retention from that subcircuit in the circuit, circuit judges elected from a county in a circuit shall run for retention from that county in the circuit, and circuit judges elected at large shall run for retention at large in the circuit. Approved as amended by full Senate. In House Rules committee

[INDIANA SB 501 \(2007\)](#) Establishes a retirement medical benefits account for elected officers, appointed officers, and employees of the executive, legislative, and judicial branches of state government to pay participants' medical expenses after retirement. Amended and approved by Senate Appropriations and by full Senate. In House with no committee assigned yet

[MISSOURI HB 945 \(2007\)](#) Creates the crime of murder of a criminal justice official in the first degree. Criminal justice official includes judges. Approved by full House 109-35.

[MONTANA SB 202 \(2007\)](#) Public financing for supreme court candidates. Tabled in House Appropriations committee

[MONTANA SB 227 \(2007\)](#) HOUSE VERSION: Extends jurisdiction of Justice Courts with regards to writ of execution, such writ may be served anywhere in state. SENATE VERSION: Same, but also prohibits justice courts from conducting pre-

trial hearings by phone. Senate declines to concur in House amendments. Conference committee established to reconcile.

[NEVADA AB 190 \(2007\)](#) Removes requirement that the Supreme Court receive from all district attorneys annual reports on murder or voluntary manslaughter cases. Removes requirement that the Supreme Court report on such cases to the Legislative Counsel Bureau. Supreme Court's role to be taken over by Attorney General. Approved by Assembly Judiciary committee. In Assembly Ways and Means committee

[NEVADA AJR 1 \(2007\)](#) Requires automatic forfeiture of office for any public official who commits three or more violations of ethical duties as determined by either the Commission on Judicial Discipline or the Commission on Ethics. Approved as amended by Assembly Elections, Procedures, Ethics, and Constitutional Amendments 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. Approved by Senate Judiciary committee

[NEVADA SB 490 \(2007\)](#) Removes provision that requires all bill drafts requested by the supreme court to be delivered to the chair of the committee on judiciary of each house. Modifies other legislative procedural rules. Approved by full Senate and transmitted to Assembly.

[NEVADA SJR 2 \(2007\)](#) Merit selection for justices of the supreme court and judges of the district court. Governor selects upon vacancy from list of three candidates. After one year of service, retention election. If retained, 6-year term. Retention requires 60% of votes in favor. Approved by Senate Judiciary committee

[NEVADA SJR 9 \(2007\)](#) Permits but does not require legislature create an intermediate appellate court to be called the Court of Appeals to consist of at least 3 members elected to 6-year terms. If created, court will have appellate jurisdiction in civil cases arising in district court and in criminal cases within the original jurisdiction of the district courts. Supreme court required to fix the jurisdiction of the court and provide for the review of appeals decided by the court. Approved by full Senate and transmitted to Assembly.

[NEW HAMPSHIRE HB 895 \(2007\)](#) Establishes the board of court reporters as part of the joint board of licensure and certification. Requires all court reporters be certified by the board (Currently, court reporters are certified by the chief justice of the superior court.) Amended and approved by House Executive Departments and Administration committee

[NORTH CAROLINA HB 957 \(2007\)](#) Establishes minimum number of employees in each clerk of court's office. Approved by House State Personnel committee

[NORTH CAROLINA SB 118 \(2007\)](#) Allows the Governor to declare a vacancy in the office of district court judge, superior court judge, judge of the court of appeals, justice of the supreme court, or district attorney if that person's is no longer

authorized to practice law in the state. Justices, judges, or district attorneys disbarred or suspended from the practice of law are immediately suspended from their office; their salaries may be retroactively repaid should their suspension/disbarment be overturned on appeal. Amended and approve by Senate Judiciary I committee and by full Senate. In House Judiciary I 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. Amended and approved by Senate 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 full Senate

[TEXAS HB 41 \(2007\)](#) Deems confidential voter registration records, appraisal records, and other county records to be confidential if they contain the address information of state and federal judges and state legislators. Approved as amended by full House

[TEXAS HB 1380 \(2007\)](#) Expressly states that courthouse security funds may be used to provide security for associate judges, and to require that the local administrative judges report security incidents to Office of Court Administration. Approved as amended by full House

[TEXAS HB 2766 \(2007\)](#) Permits district and county courts to meet at locations other than the county seat in the event of a natural disaster with specific locations to be determined by presiding judge. Approved by full House as amended.

[TEXAS SB 565 \(2007\)](#) Authorizes chief justice in an emergency to order the moving of the courts of appeals, district courts, and statutory county courts at the county seat of a county in an adjacent district or administrative judicial region. Defines emergency for purposes of this provision. Approved by House Judiciary committee

[TEXAS SB 699 \(2007\)](#) Provides that parties in a civil action need only provide the last two numbers of each party's driver's license number and the last four numbers of each party's Social Security number to the clerk of the court. Authorizes court to issue a contempt finding if party fails to provide required information. Approved by House Business & Industry committee

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