

# Gavel to Gavel

A review of state legislation affecting the courts

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## *Focus: Georgia*

Georgia's legislature is set to adjourn April 20, with numerous bills that would have altered the courts already having passed.

Of those making it through both chambers:

[HB 120](#) grants Justices of the Supreme Court and Judges of the Court of Appeals travel allowances if they live more than 50 miles from the court.

[HB 168](#) requires associate juvenile court judges have the same qualifications as required for a judge of the juvenile court.

[HB 181](#) sets limitations on that state's public safety and judicial facilities authorities related to their ability to issue bonds and other financial transactions.

[SB 14](#) extends until 2014 the authority of the clerks of the superior courts to collect certain fees.

[SB 139](#) transfers the Georgia Public Defender Standards Council from the judicial branch to the executive branch.

[SB 223](#) involves grants given to the counties for the salaries of juvenile court judges and provides that, if the counties decide to supplement the salaries, the state will match such supplements.

There were a series of one-chamber bills, many of which almost made it to the Governor's desk.

[HB 51](#) would have required sheriffs conduct a formal review of courthouse security plans at least once every four years. The bill was approved by the full House and the Senate Public Safety and Homeland Security committee before dying on the Senate floor.

[HB 119](#) would have given Supreme Court Justices, Court of Appeals Judges, and Superior Court Judges raises. The raises were amended by the House Judiciary committee and approved by the full House. The bill died in the Senate Appropriations committee with no action taken. (Correction: Original version listed percentages that did not include adjustments for COLAs).

[SB 11](#) would have permitted judges who are performing ordered military duty to continue in office and be eligible for reelection during such duty. It was approved by the full



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Research Division

NATIONAL CENTER FOR STATE COURTS  
300 Newport Avenue, Williamsburg, VA 23185  
Phone (800) 616-6109 Fax (757) 564-2022  
Editor's Email: [wraftery@ncsc.dni.us](mailto:wraftery@ncsc.dni.us)  
Subscribe: [gaveltogavel@ncsc.dni.us](mailto:gaveltogavel@ncsc.dni.us)

Online: [http://www.ncsconline.org/D\\_Research/gaveltogavel/](http://www.ncsconline.org/D_Research/gaveltogavel/)



Senate but died in the House Judiciary committee.

[SB 18](#) would have extended to municipal courts the ability to charge fees to help fund that state's alternative dispute resolution programs. It was approved as amended by the full Senate but died in the House Judiciary committee.

[SB 232](#) would have removed the requirement that court rules be compiled in one paper volume and replaced it with a provision allowing for creation of a rules database available online. It was approved by the full Senate and the House Legislative & Congressional Reapportionment committee but died on the House floor.

## Selection

[SOUTH CAROLINA HB 3916 \(2007\)](#) Prohibits a candidate for judicial office from having any direct contact with a member of the General Assembly directly until the qualifications of all candidates for a judicial office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. In House Judiciary committee

[WISCONSIN AB 250 \(2007\)](#) Public financing of supreme court campaigns. In Elections and Constitutional Law committee

## Qualifications and Terms

NONE

## Rule Making Authority

NONE

## Structure Changes

NONE

## Jurisdiction

NONE

## Salary and Budget

[ALABAMA HB 653 \(2007\)](#) Allows a district judge who was first elected or appointed a district judge before October 1, 2001, and who was subsequently elected or appointed a circuit judge to continue receiving any county supplement he or she was entitled to receive as a district judge. In House Government Appropriations committee

[ALABAMA HB 672 \(2007\)](#) Sets the salary of the Clerk of the Supreme Court as the same as the Secretary/Executive Director of Alabama State Bar. In House Government Appropriations committee

[ALABAMA SB 389 \(2007\)](#) See [ALABAMA HB 672](#) In Senate Judiciary committee

[LOUISIANA HB 210 \(2007\)](#) Links district court clerk's salaries to that of district court judges. (Currently, salaries are linked to population of district/parish). In House Judiciary committee

[SOUTH CAROLINA HB 3922 \(2007\)](#) Allows judicial officers to retire and receive their retirement allowance while continuing

to serve in some circumstances. In House Ways and Means committee

## Other

[ALABAMA SB 405 \(2007\)](#) Permits publication of legal notices through a state-sanctioned public notice website. State AOC required to conduct quality reviews of website. In Senate Judiciary committee

[NEVADA SB 556 \(2007\)](#) Creates the Supreme Court Commission on Law Libraries and the District Court Commission on Law Libraries. In Senate Finance committee

[SOUTH CAROLINA HB 3934 \(2007\)](#) “Judicial Enhancement Act” amends numerous provisions. County clerk of court required to report to AOC number of indictments for which a true bill is returned, including defendant information, offense, etc. In complex civil cases and on motion by a party, Chief Administrative Judge may assign the action to a single judge to handle that case from beginning to end. Permits Family Court judge to appoint hearing officers. Increases fees in Magistrates Court and raises the court’s jurisdiction from \$7,500 to \$15,000. Permits transfer of cases from General Sessions Court to Magistrates Court if crime punishable by no more than 1 year in prison or is classified a misdemeanor. In House Judiciary committee

## Floor and Committee Activity

[ARIZONA HB 2750 \(2007\)](#) Grants Justice Courts in counties over 2 million people original jurisdiction over small claims, civil

actions, and some misdemeanor and civil traffic offenses. Approved as amended by House and Senate. To Governor for signature.

[FLORIDA HB 221 \(2007\)](#) Provides that the county is considered the employer of county-funded court employees and that those employees may be aggregated for purposes of flexible benefits plans. Amended and approved by House Courts Committee and Safety & Security Council

[FLORIDA SB 174 \(2007\)](#) Prohibits deputy clerks of court employed full time from practicing law. Approved by full Senate. In House with no committee yet assigned

[FLORIDA SB 448 \(2007\)](#) Clarifies that when a county provides personnel to the court system, the court system is responsible for those employees compliance with all requirements of federal and state employment laws. Approved by Senate Judiciary, Community Affairs, and Criminal and Civil Justice Appropriations committees

[ILLINOIS HB 622 \(2007\)](#) Directs division of alcoholism and substance abuse within the department of human services create program to administer grants to local drug courts. Creates the office of the statewide drug court coordinator within the division of alcoholism and substance abuse. Approved as amended by full House

[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. Approved by House and Senate. To Governor for signature.

[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. Signed into law by Governor.

[MISSOURI HJR 12 \(2007\)](#) Provides that impeachments be tried by the Senate (currently, impeachments are tried by the

Supreme Court). Voted down by House Rules 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. Senate vote to advance bill to second reading failed 24-26.

[MONTANA SB 209 \(2007\)](#) Transfers regulation and registration of registered process servers away from clerks of the district courts to Board of Private Security Patrol Officers. Approved by House and Senate. To Governor for signature.

[MONTANA SB 382 \(2007\)](#) Permits but does not require mental health courts in each judicial district. Approved by House and Senate. To Governor for signature.

[MONTANA SB 523 \(2007\)](#) Changes the Workers' Compensation court into a court of record. In Senate Judiciary committee

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

[NEVADA AB 572 \(2007\)](#) Transfers administration and control of the Supreme Court Building and other property used by the Supreme Court to the court and permits court administrator to assign space and

direct on related matters. Voted without recommendation out of Assembly Government Affairs committee

[NEVADA SB 202 \(2007\)](#) ORIGINAL:

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.

AMENDED: Requires Director of the Department of Public Safety collect information and report. Approved as amended by Senate Judiciary committee and by full Senate.

[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 full Senate. In Assembly 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. In Assembly Judiciary committee

[NORTH CAROLINA SB 184 \(2007\)](#)

AMENDED: 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 full Senate. Amended and approved by House. Senate concurs in House amendments.

[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 specific state and federal offenses. Offense must be committed while serving judicial officer and is directly related to the member's service. Approved as amended by Senate Judiciary I (Civil) committee

[PENNSYLVANIA SB 44 \(2007\)](#)

Automatic, annual cost of living adjustments to judicial and district attorney salaries based on consumer price index. Repeals provisions that tie judicial salary increase to federal judicial salary increases. Grants supreme court exclusive jurisdiction over these matters. Approved by full Senate.

[TENNESSEE HB 302 \(2007\)](#) Requires the popular election of all supreme court and intermediate appellate court judges. Voted to refer to summer study committee by House Judiciary's Civil Practice and Procedure subcommittee

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

[TEXAS HB 1903 \(2007\)](#) Justices of the Peace who are attorneys need only complete the continuing education requirements to

remain as an active attorney. Approved by House Judiciary committee

[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 as amended by full House

[TEXAS HJR 36 \(2007\)](#) Permits a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term. Reported favorably by Senate Jurisprudence committee.

[TEXAS SB 885 \(2007\)](#) Allows appellate courts access to employment applicant's criminal background information. Approved by full Senate.

[VERMONT HB 532 \(2007\)](#) Directs the state court, district court, and judicial bureau to pay rent for the cost of using a county courthouse. Authorizes assistant judges to borrow a limited amount for capital construction with authorization from 75 percent of the legislative bodies of the municipalities in the county and authorizes them to request state funds raised through bonding to pay for capital construction required due to a federal or state mandate or to correct a threat to health and safety. Approved by House Institutions committee

[WASHINGTON SB 5351 \(2007\)](#) Repeals existing law that denies judges of the court

of appeals per diem or mileage for services performed at either the judge's legal residence or the headquarters of the division of the court of which the judge is a member. Permits court of appeals to create rules for reimbursement of work-related travel expenses from judge's residence to the division headquarters of the court and back. Signed into law by Governor.

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