

# Gavel to Gavel

A review of state legislation affecting the courts

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## *Focus: Colorado and Vermont*

In contrast to North Dakota, which as previously noted had [its longest session](#) since statehood, [Colorado had its shortest](#). Despite the brevity, the legislature did pass several bills onto the Governor that will modified that state's courts.

[HB 1054](#) increases, subject to appropriation, the number of county and district judges and Court of Appeals judges (19 to 22). The bill directs the entirety of certain docket and filing fees go to that state's Judicial Stabilization Cash Fund (currently only a portion of the filing/docket fees go to the fund).

[HB 1129](#) 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.

[HB 1172](#) requires the judiciary submit jointly with the department of corrections a report concerning sexually violent predators. The report is to be transmitted annually to

the House and Senate judiciary committees and the Governor.

[SB 118](#) declares that "ensuring the safety of employees and users of state court facilities is a significant component of ensuring access to justice" and creates a court security cash fund. A commission is also created to manage the fund and 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. Funding would come from a new court surcharge.

Two bills rejected in committee but nevertheless of note were [HB 1227](#) and its companion [SB 142](#) which would have reorganized the state's Judicial Performance programs. Among other things, they would have repealed the authority of the Supreme Court to approve the rules of the State Commission and the authority of the Chief Justice to appoint commission members.

Vermont's legislature adjourned on May 12, with the following two pieces of legislation going to the Governor.



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[HB 313](#) expands procedures and means by which the court may collect unpaid fines, fees, costs and the collection of similar debts. The legislature also expands use of credit cards for payment of fines, penalties and surcharges.

[HB 546](#) establishes salaries for the legislative, executive and judicial branches. For the Chief Justice \$135,421; Associate Justices \$129,245; Superior Court Judges \$122,867; District judges \$122,867.

One bill that progressed only as far as committee approval was of note. [HB 532](#) would have directed the state court, district court, and judicial bureau to pay rent for the cost of using a county courthouse, authorized 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 authorized assistant judges 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. The bill was reported favorably with amendments by the House Institutions committee but died in the House Government Operations committee.

## *Newly Introduced*

### **Selection**

NONE

### **Qualifications and Terms**

NONE

## **Rule Making Authority**

NONE

## **Structure Changes**

NONE

## **Jurisdiction**

NONE

## **Salary and Budget**

[PENNSYLVANIA HB 1298 \(2007\)](#) Creates Compensation Commission to recommend “remuneration” for State and judicial officers. Remuneration “includes salary, emolument, mileage, per diem, travel and other expense allowances and reimbursements.” In House State Government committee

## **Other**

NONE

## *Floor and Committee Activity*

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

[MICHIGAN SB 105 \(2007\)](#) Permits magistrates to oversee certain arraignments. Approved as amended by House Judiciary committee

[NEBRASKA LB 377 \(2007\)](#) Increases salaries of Justices of the Supreme Court for 2007 and 2008. Decreases number of judges in some districts and increases number of judges in others. Increases from three to four the number of juvenile court judges in counties having between 200,000 and 400,000 inhabitants. Approved by Legislature. To Governor for approval

[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 full Senate.

[NEVADA AB 505 \(2007\)](#) Requires those seeking to place someone into consideration for a judicial election have 10 days from starting with the first Monday in December to do so. Judicial candidates have 10 days, starting on the first Monday in January, to accept candidacy. Does not apply to municipal judges. Signed into law by Governor

[NEVADA AB 519 \(2007\)](#) Prohibits a district court from sealing a judicial public record unless a preponderance of the evidence indicates the existence of certain factors. District court must hold a hearing, provide notice of the hearing to the parties and the public, and allow both the parties and the public to present evidence and written briefs at the hearing. Do pass as amended motion in Senate Judiciary committee failed.

[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. Amended and approved by Assembly Elections, Procedures, Ethics, and Constitutional Amendments committee

[NEVADA SJR 2 \(2007\)](#) ORIGINAL: 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. AMENDED: Same, but reduces retention requirement to 55%. Approved as amended by Assembly Judiciary committee

[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. Signed into law by Governor

[NORTH CAROLINA HB 1454 \(2007\)](#) Provides that each superior court judgeship shall be elected separately, as is already provided for the appellate division and district court, and that vacancies shall be filled at the next election for a full eight-year term as is already provided for the appellate division. Approved by House Election Law and Campaign Finance Reform committee and House Judiciary II committee. Rejected by full House when vote to advance bill to Second Reading failed 58-60.

[NORTH CAROLINA HB 1743 \(2007\)](#) Amends various provisions of election law. Requires Judicial Voter Guide be distributed at least 28 days prior to election (currently,

14 days prior). Approved by House Judiciary I committee and by full House. In Senate Government and Election Reform committee

[PENNSYLVANIA SB 729 \(2007\)](#) Requires State Treasurer post online the salaries of all judicial employees and those of the other branches at the state level. Local governments also required to post such information online. Approved as amended by full Senate.

[RHODE ISLAND HB 5516 \(2007\)](#) Repeals law that permits payment of actual travel expenses for the judges and justices of the courts and the stenographic clerks. Amended and approved by House Finance committee

[RHODE ISLAND SB 469 \(2007\)](#) Expands commission on judicial tenure and discipline to 15 people and changes selection methods for the seats. Approved as amended by full Senate.

[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 by full Senate. To Governor for approval

[TEXAS HB 842 \(2007\)](#) Requires the addresses of judges and justices be removed from publicly available copies of their personal financial statements. Approved by full Senate. To House for transmission to Governor

[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 by full Senate. To Governor for approval

[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 Senate. To House for transmission to Governor

[TEXAS HB 3199 \(2007\)](#) Establishes a commission on judicial compensation to make recommendations to the legislature with regard to judicial pay. Approved as amended by full Senate. House concurs in Senate amendments. To Governor for approval

[TEXAS SB 705 \(2007\)](#) Requires Office of Court Administration to annually collect and publish a report regarding the contents of the jury charge and the sentences issued in capital cases. Signed into law by Governor

[TEXAS SB 496 \(2007\)](#) Allows the judicial and court training fund to be used to train attorneys, judges, law enforcement officers, law students, and other participants in cases of indigent representation (currently limited to judges and attorneys only). Signed into law by Governor

[TEXAS SB 618 \(2007\)](#) Increases jurisdiction limits in justice, county, and small claims courts from \$5,000 to \$10,000. Signed into law by Governor

[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. Signed into law by Governor

[TEXAS SB 1182 \(2007\)](#) Creates a supreme court support account in the judicial fund, and requires the clerk of the supreme court and the clerks of the courts of appeal to collect a court cost fee of not more than \$50 and send the fees collected to the comptroller for deposit to the credit of the judicial fund. Signed into law by Governor

[TEXAS SB 1519 \(2007\)](#) Entitles a judge or justice who is paid by the state, is a member of a Judicial Retirement System, and who is an active judge to longevity pay. Approved by full House. To Governor for approval

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