

Gavel to Gavel

A review of state legislation affecting the courts

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Focus: Texas

Texas' legislative session ended with sergeants-at-arms physically restraining [House members trying to overtake the speaker's podium and the House parliamentarian resigning](#). Despite the ruckus at the end, the state's legislature was very active in sending to the Governor numerous bills affecting the judiciary.

Many bills on that went to the Governor's desk related to the privacy of judges as well as efforts to curtail violence directed at them and their families or their finances. [HB 41](#) 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. [HB 842](#) requires the Texas Ethics Commission to remove the address of a judge or justice from a financial statement before permitting a member of the public to view the statement. [HB 1237](#) relates to records held by the State Bar of Texas and clarifies that a judge or any licensed attorney may choose to restrict public access to their home address, home telephone number, email address, Social Security number, and date of birth. [HB 2566](#) establishes a requirement that an instrument concerning

real or personal property that is to be recorded by an inmate or on behalf of an inmate must include a statement indicating that the person or the person for whom the instrument is being recorded is an inmate. The bill also creates a presumption that a document or instrument purporting to create a lien or assert a claim against real or personal property that is filed by an inmate or on behalf of an inmate is fraudulent and provides for the conditions under which the presumption can be rebutted.

The carrying of firearms by judges and judicial personnel was also taken up. [HB 1889](#) provides that certain laws regarding the unlawful carrying of a weapon and the locations in which weapons are prohibited do not apply to a bailiff escorting a judge and provides a defense to the prosecution of an offense regarding a concealed handgun license holder who carries a weapon onto certain premises if the person carrying the weapon is a bailiff or judge. [HB 2300](#) directs the Department of Public Safety to indicate on the concealed handgun licenses issued to judges, justices, district attorneys, criminal district attorneys, and county attorneys, the title those individuals hold. The bill also expands the number of places these individuals are permitted to carry their concealed weapons to include premises that



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serve alcohol, sporting events, hospitals, nursing homes, amusement parks, places of worship, and meetings of governmental entities. [SB 835](#) includes federal judges, who reside in the state, in the list of judicial officers who are exempt from attending the classroom instruction part of the continuing education proficiency course to renew a concealed handgun license.

Another major focus was on court security and continuity of operations. [HB 1380](#) provides that courthouse security funds may be used to provide security for associate judges and requires that local administrative judges report security incidents to Office of Court Administration. [HB 2766](#) authorizes certain coastal counties to conduct court proceedings at a place other than the county seat in the event of a disaster. [SB 885](#) authorizes Texas appellate courts to obtain criminal history record information that relates to a person who is an applicant for employment with the court, a volunteer position with the court, or an appointment made by the court.

E-courts were also on the legislature's agenda. [SB 229](#) gives courts the authority to create a seal electronically, thus allowing the courts to transfer, store, and locate documents electronically. [SB 237](#) directs the Supreme Court of Texas to change the Rules of Civil Procedure to allow for electronic justice of the peace court filings. [SB 778](#) allows the use of secure two-way electronic communication equipment for certain court proceedings to include mental health commitment hearings.

[HB 335](#) requires court reporters provide transcripts within 120 days of a request. [HB 587](#) replaces various references to courts of record in the law ("minutes" with

"record" and "docket" with "record") in order to account for advances in technology.

[HB 3199](#) creates the Judicial Compensation Commission, consisting nine members appointed by the governor with the advice and consent of the Senate, however no more than three of the nine may be licensed to practice law in the state. The Commission is to make a biennial report to the legislature recommending the proper salaries for judges and justices based on factors specified in the legislation.

[HB 3505](#) requires judicial training for certain judges by the Court of Criminal Appeals to include at least four hours of training dedicated to issues related to child abuse and neglect.

[SB 325](#) establishes an appellate judicial system for the Ninth Court of Appeals (currently, appellate judicial systems have been set up in only eight of 14 appellate courts in Texas.) as well as authorizing a fee to pay for the new appellate system.

[SB 496](#) allows the use of the judicial and court training fund to train law enforcement officers, law students, and others. It also requires the Court of Criminal Appeals grant funds to associations that provide innocence training programs.

[SB 618](#) raises civil jurisdiction in Justice, County, and Small Claims Courts from \$5,000 to \$10,000.

[SB 1519](#) 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.

Going to voters for their approval is [HJR 36](#) to permit a judge reaching retirement age to complete the remainder of his or her term

Newly Introduced

Selection

[RHODE ISLAND SB 1081 \(2007\)](#) Limits appointment to the judicial nominating commission to one term. In Senate Judiciary committee

Qualifications and Terms

NONE

Rule Making Authority

[PENNSYLVANIA HB 1414 \(2007\)](#) Establishes rules of conduct for District Attorneys. Requires Supreme Court and specifically the Disciplinary Board of the Supreme Court oversee and investigate such conduct. In House Judiciary committee

Structure Changes

NONE

Jurisdiction

NONE

Salary and Budget

NONE

Other

[OHIO HB 256 \(2007\)](#) Establishes with the Court of Claims the office of Public Access Counselor to receive complaints and issue advisory opinions concerning the Public Records Law and Open Meetings Law. In House Judiciary committee

NONE

Floor and Committee Activity

[ALABAMA SB 251 \(2007\)](#) Specifies that a municipal judge may be retained as a city attorney while serving as a municipal judge. Postponed indefinitely by Senate Judiciary 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. Postponed indefinitely by House Judiciary committee

[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

[OREGON HB 2322 \(2007\)](#) Allows Chief Justice to designate locations for holding circuit court proceedings outside of judicial district in event of emergency. Authorizes Chief Justice to establish fees for copies and services. Clarifies authority of judges to practice law. Prohibits judge pro tempore

from presiding in action or proceeding if attorney who practices law with judge appears in action or proceeding. Clarifies that judges appointed to Court of Appeals are counted in determining that majority of three-judge panel consists of either elected or appointed Court of Appeals judges. Approved by full Senate

[OREGON HB 2417 \(2007\)](#) Directs State Court Administrator to prepare report every two years on compensation of state judges. Requires that report include computation of average compensation paid in other states to judges with closely equivalent responsibilities. Requires that State Court Administrator include statement of amounts needed during immediately following biennium to increase compensation of Oregon judges to equal average compensation received by judges

with equivalent responsibilities in other states. Approved by full House. In Senate Rules committee

[OREGON SB 271 \(2007\)](#) Permits judge to waive or defer all or part of the fees and court costs payable to the court by a party in a civil action or proceeding if the judge finds that the party is unable to pay. Allows judge to delegate this authority to court administrator. Approved by full Senate.

[RHODE ISLAND HB 5519 \(2007\)](#) Provides that whenever a judge, justice or magistrate is granted a leave of absence without pay, such absence would not be credited towards active service time for the purposes of retirement. Approved by Senate Finance committee

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