

# Gavel to Gavel

A review of state legislation affecting the courts

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## *Focus: Court Security*

The security of the courts is essential to their continued operation. Legislative action in this area has increased in recent years as tragic circumstances have struck courts around the nation.

Funding court security can either be under court control or the control of others. Maine created a Courthouse Security Fund under the control of their Supreme Judicial Court through [LD 1012 of 2005](#). Originally, funding would have come from a 7% tax on all gun sales. The tax was amended out of the bill, replaced with a one-time appropriation of \$500, and signed into law.

Oregon's [HB 2792 of 2005](#), which also became law, created a State Court Facilities Security Account and an Advisory Committee on State Court Security and Emergency Preparedness selected by the Chief Justice. Funds from the Account, including its initial appropriation of \$139,671, are under the control of the State Court Administrator.

Iowa's [SF 142 of 2005](#) would have created a separate Courthouse Security Fund as well, funded by surcharges in criminal cases, but

under the control of the state treasurer who would then distribute the money to county treasurers. The bill died with no action taken.

Connecticut's [HB 5678 of 2007](#) would provide the Judiciary \$1 million for courthouse related security evaluations and \$9 million for security systems. [It was formally introduced on February 7](#) and is currently in the Joint Committee on the Judiciary.

Wyoming's [SB 47 of 2007](#) would authorize that state's 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.

Virginia has a program whereby certain costs assessed against someone found guilty in a criminal or traffic case are used to provide and maintain courthouse security. [HB 1928 of 2007](#) would increase the cost from \$5 to \$15 but retain the provision that the local governing body, and not the court, controls the funds.



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Beyond funding court security, who is responsible and has the authority regarding security policy in the courts is a contentious issue. Oklahoma's [HB 2750 of 2006](#), specified that it was the county sheriff that "shall coordinate and administer courthouse security." It was signed into law in 2006.

Georgia's [SB 462 of 2006](#), placed courthouse security under the authority of the sheriff who must create a courthouse security plan. However, any such plan is subject to the approval of the chief Superior Court judge. It became law effective July 1, 2006.

New Hampshire's [SB 274 of 2006](#) granted the state's existing court accreditation commission the power to set minimum standards for court security. It became law effective June 17, 2006. The state is currently looking at [SB 79 of 2007](#) which would, among other things, make each county sheriff responsible for court security at times and under conditions deemed appropriate by the Supreme Court.

Finally, there are some early indications of efforts to set minimum requirements for court security officers in statewide law. An example of this is Kentucky's [HB 214 of 2007](#), which requires sheriff's deputies hired to provide court security have at least a high school diploma and six hundred and forty hours of basic training within the first year of employment.

## *Newly Introduced*

### **Selection**

[ARKANSAS SJR 9 \(2007\)](#) Permits recall of all elected officials, including judges. In Senate Committee on State Agencies and Governmental Affairs committee

[ILLINOIS SB 222 \(2007\)](#) Creates a voluntary program of public financing of election campaigns for the Supreme Court and Appellate Courts, administered by the State Board of Elections. Candidates must receive donations between \$5 and \$25 from people equal to 0.15% of the number of ballots cast in the judicial district in the last gubernatorial election. In Senate Rules committee

[INDIANA HB 1676 \(2007\)](#) Requires the judicial nominating commission solicit public comment as to whether judge should be retained in office. Requires the state bar survey attorneys and make a recommendation on retention. Requires the commission to publicly disseminate its retention recommendations as widely as possible. In House Judiciary committee

[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. In House Judiciary Division A committee

[MISSOURI SB 208 \(2007\)](#) Sets campaign contribution limits for various elected offices. For judicial races, limits are from \$250 to \$1000, depending on population of election district. In Senate Financial & Governmental Organizations and Elections committee

[NORTH DAKOTA HCR 3002 \(2007\)](#) Directs the Legislative Council to study the

judicial election and judicial selection process in North Dakota and pursue a public information and education program with the State Bar. Passed House Judiciary unanimously and passed full House by voice vote. In Senate Judiciary committee

[WEST VIRGINIA HB 2950 \(2007\)](#)

Requires nonpartisan election of Supreme Court of Appeals Justices and Circuit Court judges. In House Judiciary committee

[WEST VIRGINIA SB 110 \(2007\)](#) Requires the nonpartisan election of Supreme Court of Appeals Justices. In Senate Finance committee

## Qualifications and Terms

[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. In Assembly Elections, Procedures, Ethics, and Constitutional Amendments committee

[SOUTH CAROLINA SB 395 \(2007\)](#)

Requires Circuit Court Judges be an elector and resident of the county for at least one year prior to election. In Senate Judiciary committee

[WEST VIRGINIA HJR 19 \(2007\)](#) Increases terms for magistrates from four to six years. In House Constitutional Revision committee

## Rule Making Authority

[MISSISSIPPI SB 2596 \(2007\)](#) Requires Supreme Court Rules Committee study methods to enlarge the available jury pools in the state and shall make the appropriate

recommendations by November 1, 2007. Amended and passed Senate Judiciary Division A committee and passed full Senate unanimously. In House Judiciary Division A committee

[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. Unanimously approved by Senate Business, Labor, and Economic Affairs committee and unanimously approved by Senate. In House, no committee assigned yet

## Structure Changes

[CALIFORNIA AB 159 \(2007\)](#) Authorizes 50 additional Superior Court judgeships, to be allocated to the various counties by the Judicial Council. Authorizes unspecified number of additional appellate judges. Converts certain “subordinate judicial officer” positions to judgeships. No committee assigned yet

[INDIANA SB 147 \(2007\)](#) **ORIGINALLY:** Adds judges to various local benches. **AMENDED:** Establishes the sixth district of the court of appeals as of January 1, 2009. Provides that the entire state constitutes the sixth district. Adds three judges to the court of appeals. Adds judges to various local benches. Amended and passed in Senate Judiciary, passed as amended by Senate Appropriations, passed full Senate 45-1. In House with no committee assigned yet

## Jurisdiction

[MISSISSIPPI SB 2020 \(2007\)](#) **ORIGINALLY:** Expanded Justice Court’s jurisdiction to cases up to \$5,000.

AMENDED: Removes right to jury trial in Justice Courts. Requires the Mississippi Justice Court Study Committee study the possibility and advisability of eliminating jury trials in justice court. Amended and passed by Senate Judiciary Division A and full Senate unanimously. Vote was reconsidered, an additional amendment approved and the newly amended version approved by the Senate unanimously. In House with no committee assigned yet

[NEW YORK AB 4173 \(2007\)](#) Expands Family Court jurisdiction to include matrimonial proceedings and habeas corpus proceedings for determination of the custody of minors. In Assembly Judiciary committee

[NEW YORK SB 2068 \(2007\)](#) Permits District Judges to temporarily serve as Family Court judges. In Senate Judiciary committee

[TEXAS SJR 22 \(2007\)](#) Permits District Court visiting judges to hold proceedings in a county other than the one in which the case is pending. Requires prior permission of parties and presiding judge before proceedings may be held. No committee assigned yet

## Salary and Budget

[KENTUCKY SB 173 \(2007\)](#) Requires certain trials to occur within specified time frames or pretrial detention costs shift from counties to the Court of Justice. In Senate Judiciary committee

[MISSISSIPPI HB 805 \(2007\)](#) Specifies salaries of Supreme Court legal research assistants and links those salaries to that of district attorneys. Passed by House Judiciary Division A committee and unanimously in

House. In Senate Judiciary Division A and Appropriations committees

[MISSISSIPPI HB 1059 \(2007\)](#) Requires Supreme Court fund a pilot program case management and electronic filing system. Passed House Judiciary Division A committee and passed House 117-1. In Senate Judiciary Division A and Appropriations committees

[MISSISSIPPI SB 2541 \(2007\)](#) Almost identical to [MISSISSIPPI HB 805](#). Passed by Senate Judiciary Division A and Appropriations committees and unanimously in Senate. In House Judiciary Division A and Appropriations committees

[NEW MEXICO SJR 12 \(2007\)](#) Expenses of Legislators may not exceed 15% of the annual salary of a Justice of the New Mexico Supreme Court. In Senate Judiciary committee

## Other

[CALIFORNIA AB 163 \(2007\)](#) Provides that, in Los Angeles County, "limited-term" law clerks shall not be employed in the trial court for a period exceeding 180 calendar days. Any such "limited-term" clerks serving longer would be deemed a regular employee. In Assembly Public Employees, Retirement, and Social Security committee

[CONNECTICUT HB 6905 \(2007\)](#) Requires Judicial Department maintain a record of the number of discrimination complaints it receives and the resolution of such complaints, and submit record to the Commission on Human Rights and Opportunities. In Joint Committee on the Judiciary

[INDIANA SB 279 \(2007\)](#) Requires the attorney general to represent a court that has issued an order of mandate for funds for the operation of the court or court-related functions. Prohibits the state from reimbursing a judge for expenses incurred in employing a private attorney to represent the court in an action for mandate of funds

[KENTUCKY HB 427 \(2007\)](#) Creates minimum qualifications and training requirements for certified court security officers. In House Judiciary

[KENTUCKY SB 153 \(2007\)](#) See KENTUCKY HB 427 (2007) In Senate Judiciary

[KENTUCKY HB 465 \(2007\)](#) Extends indefinitely state's senior status judge program (currently, authorizing legislation set to sunset at end of 2007). In House Judiciary committee

[MISSISSIPPI HB 1158 \(2007\)](#)  
ORIGINALLY: Chief Justice to appoint for the Court of Appeals an Opinion Editor.  
AMENDED: Court of Appeals authorized to employ an Opinion Editor. Passed in House Judiciary Division A and Fees and Salaries of Public Officers committees as amended; passed full House 114-4. In Senate Judiciary Division A and Appropriations committees

[MISSISSIPPI SB 2202 \(2007\)](#) Requires judges that receive more than \$200 from any litigant or lawyer in a case to disclose the gift. Requires the lawyer or litigant to disclose any such gifts. Failure to disclose is a felony. Passed in Senate Judiciary Division A and unanimously by Senate. In House Judiciary A committee

[TENNESSEE HJR 108 \(2007\)](#) Requires courts utilize a rational basis standard when reviewing hunting, fishing, and similar regulations. No committee yet assigned

[TENNESSEE SJR 63 \(2007\)](#) Attorney General selected by statewide election (currently, selected by state's Supreme Court). No committee assigned yet

[UTAH SB 151 \(2007\)](#) Authorizes the creation of a case management project coordinator as a pilot project in one district. Unanimously approved by Senate Judiciary, Law Enforcement, and Criminal Justice committee and full Senate. In House with no committee assigned yet

## *Floor and Committee Activity*

[ARIZONA SCR 1026 \(2007\)](#) Removes jurisdiction from all courts to hear cases "concerning the government's or the officer's or agent's acknowledgement of God as the sovereign source of law, liberty or government." Withdrawn by author.

[ARKANSAS HB 1384 \(2007\)](#) Permits District Court concurrent jurisdiction between over eviction proceedings (currently, only circuit court has jurisdiction). Approved by House Judiciary committee and full House 93-3. In Senate Judiciary committee.

[ARKANSAS SB 172 \(2007\)](#) Permits Justices of the Peace to solemnize marriages anywhere in the state. Passed full House and signed into law by Governor.

[KANSAS SB 45 \(2007\)](#) Chief judge of the judicial district elected by district judges,

not designated by the Supreme Court. Amended to limit to one district only and approved unanimously by Senate Judiciary committee. Rejected by full Senate 19-21.

[KENTUCKY HB 198 \(2007\)](#) Raises small claims court jurisdiction from \$1,500 to \$3,000. Reported favorably by House Judiciary committee.

[UTAH HJR 4 \(2007\)](#) Executive Succession. Supreme Court to hear petitions regarding incapacity of Executive Officers. Approved by full House on a 59-12 vote.

[UTAH SB 224 \(2007\)](#) Amends various provisions in law. Increases from \$1,000 to \$2,000 the additional compensation a presiding judge receives. Includes court commissioners in the definition of judge for the purpose of imposing penalties for persons who threaten, intimidate, or interfere with a commissioner, or who retaliate against a commissioner for the performance of the commissioner's official duties. Approved by full Senate and in House Judiciary committee.

[VIRGINIA SB 987 \(2007\)](#) **ORIGINALLY:** Adds the Chief Justice of the Supreme Court to the Secure Commonwealth Panel.

**AMENDED:** Adds the Executive Secretary of the Supreme Court of Virginia to the Secure Commonwealth Panel. Unanimously approved by House Rules committee and full House.

[VIRGINIA SJ 418 \(2007\)](#) Establishes a joint committee of the Senate Committee for Courts of Justice and the House Committee for Courts of Justice to study redistricting the judicial circuits. Unanimously approved by House Rules committee and full House.

[WASHINGTON HJR 4209 \(2007\)](#) Removes mandatory retirement ages for judges. Approved by House Judiciary Committee, in House Rules committee.

[WEST VIRGINIA HB 2789 \(2007\)](#) Authorizing the Supreme Court of Appeals to create a panel of senior status magistrate assistants. Approved by full House and in Senate Finance committee

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