

Gavel to Gavel

A review of state legislation affecting the courts

April 18, 2008

Volume 2, Issue 16

Focus: Alaska, Kentucky and Nebraska

Alaska, Kentucky and Nebraska all ended their 2008 legislative sessions in mid-April. While each did have bills introduced and tracked by *Gavel to Gavel*, none of those followed in Alaska or Kentucky made their way to passage. Nebraska's new laws include:

[LB 775](#), which grants County Court Clerks the power to appoint deputy clerk and removes requirement that District Court Deputy Clerks be residents of the counties in and for which they act.

[LB 1014](#) made numerous changes to court proceedings and procedure. Of note, County and Juvenile Courts will now have the power to appoint certain referees. Jurors will be expressly allowed, but not required, to take notes. The Presiding Judges of the District and County Courts will now be required to create an annual plan on how to assign between the courts cases involving domestic relations matters and certain felonies. The Supreme Court will now be able to set the education and training requirements for clerk magistrates (prior law

required the creation of annual "institutes" to that end).

Selection: Newly Introduced

[MICHIGAN HJR YY/HJR 51 \(2008\)](#) (CON AMENDMENT) Removes provision that nominations for Justices of the Supreme Court shall be in the manner prescribed by law. Requires that justices be nominated via non-partisan primary elections (currently, incumbent justices need only file an affidavit of candidacy to be placed on ballot). Requires incumbent Justice file intent to enter primary 134 days prior to the primary election. In House Ethics and Elections committee

Selection: Floor and Committee Activity

[ALABAMA HB 690 \(2008\)](#) Requires mandatory education and certification for municipal court clerks and municipal court magistrates. Requires those clerks and magistrates complete continuing education approved by the Administrative Office of Courts. Approved by full House



Legislative tracking provided
by LexisNexis

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.org

Subscribe: gaveltogavel@ncsc.dni.us

Online: http://www.ncsconline.org/D_Research/gaveltogavel/



[CALIFORNIA AB 2095 \(2008\)](#) AS AMENDED: Requires Governor release the names of anyone provided the application materials used in determining the names selected by the Governor to fill judicial vacancies. Requires each member of the designated agency of the State Bar responsible for evaluation of judicial candidates to complete a minimum of 2 hours of mandatory training in the areas of fairness and bias in the judicial appointments process. Requires, with respect to the collection and release of demographic data, the State Bar and the Administrative Office of the Courts to use consistent ethnic and racial categories designated and used by the Governor. Approved as amended by Assembly Judiciary committee

[OKLAHOMA SJR 36 \(2008\)](#) Requires Senate confirmation of appointments and reappointments to judicial positions. Approved as amended by House. Returned to Senate for concurrence with House amendments

Qualifications and Terms: Newly Introduced

[ALABAMA SB 606 \(2008\)](#) Requires a lawyer be admitted to the practice of law for a certain number of years before taking judicial office. Supreme Court, Court of Civil Appeals, and Court of Criminal Appeals: 10 years. Circuit Court: 5 years. District Court: 3 years. In Senate Judiciary committee

Qualification and Terms: Floor and Committee Activity

[ARIZONA SB 1186 \(2008\)](#) (Bill) Requires Supreme Court create performance evaluation system for Superior Court commissioners. Evaluations to include public hearings on commissioners and reports to be made public. Approved by full House. To Governor for approval

[HAWAII HR 60 \(2008\)](#) Establishes task force to review retirement age for state court justices and judges, the lack of judicial term limits, the lack of a senior judge system, the current system of judicial accountability, and current means of judicial fitness. Report due by start of 2009 session. Approved by full House

[NEW HAMPSHIRE SB 446 \(2008\)](#) Allows probate Court judges and District Court justices to sit on either court in certain circumstances. Approved by House Judiciary committee

Rule Making Authority: Newly Introduced

NONE

Rule Making Authority: Floor and Committee Activity

[CALIFORNIA AB 2357 \(2008\)](#) AS AMENDED: Provides that it is unlawful for the courts to outsource internationally any private information. Approved as amended by Assembly Judiciary committee

Structure Changes: Newly Introduced

NONE

Structure Changes: Floor and Committee Activity

[OKLAHOMA HB 2631 \(2008\)](#) Creates a panel of District Court Judges to preside over complex civil cases and defines what makes a civil case “complex.” Requires that where a civil case brought in District Court is reversed and remanded, in whole or in part, on appeal, the Chief Justice must designate a different District Judge to preside over all proceedings on remand to the District Court. Approved as amended by full Senate. Returned to House for approval of Senate amendments

Jurisdiction: Newly Introduced
NONE

Jurisdiction: Floor and Committee Activity
NONE

Salary and Budget: Newly Introduced

[ALABAMA HB 843 \(2008\)](#) Allows spouse of deceased judge or justice to continue to receive yearly benefit should they opt to remarry. In House Government Appropriations committee

Salary and Budget: Floor and Committee Activity

[FLORIDA HB 581 \(2008\)](#) Authorizes counties to fund drug court programs through additional mandatory court cost

against persons who plead guilty or no contest to, or are convicted of, certain drug-abuse prevention & control provisions or other local ordinances. Reported favorably by Safety & Security Council

[NEW HAMPSHIRE SB 349 \(2008\)](#) Allows continuation of judicial retirement plan benefits for judges called to full-time active military duty. Approved by House Executive Departments and Administration committee

Other: Newly Introduced
NONE

Other: Floor and Committee Activity

[COLORADO HB 1115 \(2008\)](#) Creates a new felony “Retaliation against a judge” if a person threatens, harasses, or harms certain individuals in retaliation or retribution against a judge. Approved as amended by full Senate. To House for approval with Senate amendments.

[LOUISIANA HB 45 \(2008\)](#) Prohibits injuring an officer of a court other their immediate family with the intent to influence the performance of their duties as an officer of the court. Approved by full House

[NEW HAMPSHIRE SB 543 \(2008\)](#) Creates commission to study court security. Commission report due November 1, 2008. Rejected by Senate Judiciary committee

All or any parts of *Gavel to Gavel* may be reproduced and distributed, for nonprofit educational purposes, with attribution to the NATIONAL CENTER FOR STATE COURTS, Research Division.