

# Gavel to Gavel

A review of state legislation affecting the courts

December 5, 2008

Volume 2, Issue 17

## *Focus: New Sessions, New Resource*

Over the last two years, readers of *Gavel to Gavel* have had to rely on past copies and newly released issues to keep track of legislation of interest to them. With this new legislative session, I am pleased to announce the creation of a new, searchable database available from the main *Gavel to Gavel* website:

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

This new database will serve as a supplement to the regular *Gavel to Gavel* publications that will continue to be distributed weekly during most legislative sessions (December 2008 to approximately June 2009).

Please feel free to make use of the database or contact me with any suggestions you may have for improvement of *Gavel to Gavel*. I look forward to working with all of you.

-Bill Raftery, Editor

## **Selection: Newly Introduced**

**Alabama HB 15 (Constitutional Amendment)** Requires circuit judges and district judges in a county in which a Class 2 municipality is located to be elected from districts. In House Committee on Constitution and Elections.

**Alabama HB 17 (Constitutional Amendment)** Requires Supreme Court Associate Justices, Appellate, Circuit, and District Judges be elected by districts. In House Committee on Constitution and Elections.

**Montana LC0885 (Bill Draft Request)** Require election of supreme court justices from districts. Draft Request Received.

**Texas HB 250** Provides that a district judge elected by place from an area that is less than the entire judicial district may, but need not, be a resident of the area from which elected. Prefiled.

**Texas HJR 26 (Constitutional Amendment)** Permits but does not require the election of district judges from election subdistricts. Prefiled.



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](mailto:wraftery@ncsc.org)

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/)

## **Selection: Floor and Committee Activity**

NONE

## **Qualifications and Terms: Newly Introduced**

[Arkansas SJR 1 \(Constitutional Amendment\)](#) Extends Circuit Court Clerk's terms from 2 to 4 years. Permits any county to elect separately a County clerk. Extends County Judge's terms from 2 to 4 years. Permits all county officials, including Circuit Court Clerk and County Judge, to run for the General Assembly while still in office if and only if they are in their last year in office and do not file to be re-elected to county office. Prefiled.

## **Qualification and Terms: Floor and Committee Activity**

NONE

## **Rule Making Authority: Newly Introduced**

[Texas SB 55](#) Requires certain judges that hear juvenile delinquency cases to receive annual education to understand the problems of child welfare and the Individuals with Disabilities Education Act. Requires the Court of Criminal Appeals adopt rules to implement the policy. Prefiled.

## **Rule Making Authority: Floor and Committee Activity**

NONE

## **Structure Changes: Newly Introduced**

NONE

## **Structure Changes: Floor and Committee Activity**

NONE

## **Jurisdiction: Newly Introduced**

[Georgia HB 1](#) Defines abortion as pre-natal murder. Declares 'No portion of this Act may be found to be unconstitutional by the federal courts as they lack the subject matter jurisdiction to instruct this state how or whether to prosecute certain crimes.' Declares the federal courts had no jurisdiction in Roe v. Wade. Declares Roe v. Wade applied only to the State of Texas and is not binding on Georgia. Prefiled.

[Kentucky HB 19](#) Raises small claims limits from \$1500 to \$3000. Prefiled.

[Texas HB 104](#) Creates Texas Redistricting Commission to set judicial districts and other elected districts. Prefiled.

## **Jurisdiction: Floor and Committee Activity**

NONE

## **Salary and Budget: Newly Introduced**

[Kentucky HB 9](#) Removes power to set Circuit Court clerk salaries from Chief Justice and sets them according to existing law for other county employees. Prefiled.

[Montana LC0578](#) (Bill Draft Request)  
Provide funding for court security. Bill Draft Request.

[Montana SB 50](#) Revise salaries for supreme court justices and district court judges. In Senate Judiciary Committee.

[Texas SB 314](#) Provides that longevity pay that is paid to a judge or justice is not included as part of their combined salary from state and county sources for purposes of salary limitations set by statute. Prefiled.

### **Salary and Budget: Floor and Committee Activity**

NONE

### **Other: Newly Introduced**

[Montana LB0886 \(Bill Draft Request\)](#)  
Allow override of Supreme Court decision invalidating statute. Bill Draft Requested.

[Texas SB 165](#) Requires an annual report and analysis by the Office of Court Administration regarding cases involving the trial of a capital offense. Prefiled.

[Texas SB 281](#) Requires confidentiality of the home address information of the spouses of certain federal judges and certain state judges. Prefiled.

[Texas SB 318](#) Removes the Chief Justices of the Courts of Appeals from gubernatorial succession. Prefiled.

### **Other: Floor and Committee Activity**

NONE