

Gavel to Gavel

A review of state legislation affecting the courts

May 14 and 21, 2009

Volume 3, Issue 20 and 21

Selection: Newly Introduced

[Illinois HB 4561](#) Creates the Illinois Public Financing Program Act. Establishes an alternative campaign financing mechanism for candidates for the office of Governor or Illinois Supreme Court Judge. Provides for various funding sources. In House Rules Committee.

[South Carolina SB 4119](#) Increases Judicial Merit Selection Commission from 10 to 11 members. Requires Commission submit all qualified names to Governor (currently Commission sends only 3 names to Legislature). Provides Governor will make appointments, subject to approval by the 2/3rds of the House and Senate Judiciary Committees. In House Judiciary Committee.

[Tennessee SJR 470 \(Constitutional Amendment\)](#) Authorizes retention elections for judges of the supreme court, court of appeals, and court of criminal appeals. In Senate Judiciary Committee.

Selection: Floor and Committee Activity

[California AB 1335](#) Requires a write-in candidate for the office of superior court judge include on the statement his or her compliance with certain eligibility

provisions for a judge of a court of record. Approved by full Assembly 5/18/09

[Indiana HB 1491](#) ORIGINAL: Eliminates merit selection system for election of superior court judges in St. Joseph County and replaces with nonpartisan elections. HOUSE FLOOR AMENDED: Same, but puts in campaign contributions limits for St. Joseph County superior court race: \$500 per person, \$1000 per lawfirm, \$10,000 total from all sources. SENATE COMMITTEE AMENDED: Same, but creates a Sixth District of the Court of Appeals with 3 judges to be selected via existing merit selection system. Sixth District to sit in Indianapolis and have statewide jurisdiction. Governor vetoed 5/13/09.

[Minnesota SB 80](#) Sets contributions limits for judicial candidates: \$2,000 in an election year for the office sought and \$500 in other years. Approved by full Senate 5/11/09.

[Nevada SJR 2 \(Constitutional Amendment\)](#) Creates merit selection system for justices of the Supreme Court, Court of Appeals (if created) and judges of the district court. Creates nominating commission to submit 3 names to governor for selection. Requires judge or justices receive 55 percent or more of the votes cast to be retained. Provides Chief Justice will be the longest serving member of the Supreme Court. Approved by House 5/20/09. To Secretary of State for



ADVANCED GOVERNMENT SOLUTIONS
Intelligence Analysis Investigations Screening & Identity Verification Research Case Management Digital Asset Management

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.org

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



placement on ballot.

[Nevada AB 63](#) Authorizes the appointment of masters in justice courts to perform certain duties as approved by the Nevada Supreme Court. The master must possess qualifications which are at least equal to those required of a justice of the peace in the township in which the master is appointed. Approved by full Senate 5/18/09.

[North Carolina HB 907](#) Provides that matching funds from the state's public financing system for judicial races are available as a result of a communication that supports or opposes all candidates for the same office. Approved by full House 5/13/09.

[Oklahoma HJR 1041 \(Constitutional Amendment\)](#) ORIGINAL: Requires Senate confirmation of all judicial officers. AMENDED: Requires Senate confirmation of Workers Compensation judges only. Conference report approved by House and Senate 5/20/09. To Secretary of State for placement on ballot.

[Oklahoma SJR 27 \(Constitutional Amendment\)](#) Allows the President Pro Tempore of the Senate and the Speaker of the House of Representatives to each select one member of the Judicial Nominating Commission. Conference report approved by House and Senate 5/19/09. To Secretary of State for placement on ballot.

[Pennsylvania SB 860 \(Constitutional Amendment\)](#) Creates merit selection system for the state's appellate courts. Provides for Appellate Nomination Commission and specifies composition. Provides for retention elections. In Senate Judiciary Committee.

[Pennsylvania SB 861](#) Creates 14 member Appellate Court Nominating Commission. Membership to be: 4 members, each selected by a legislative leader; 4 members selected by Governor; 1 law school dean selected by the other deans in the state; 5 members selected by business organizations, civic organizations, professional associations, public safety organizations and unions (1 each). Commission to provide 5 names to Governor. In Senate Judiciary Committee.

[Tennessee HB 1448 AS AMENDED:](#) Creates the Judicial Nominating Commission and the Judicial Performance Evaluation Commission to replace the Judicial Selection Commission and the Judicial Evaluation Commission. The newly created Commissions shall terminate on June 30, 2012. The Speaker of the Senate and the Speaker of the House of Representatives shall each appoint eight members, two from each of the three grand divisions and two at-large members, with at least five members being lawyers. The Speakers shall appoint one at-large non-lawyer member jointly. Not more than three of the at-large members can be from the same grand division. Effective July 1, 2009, the membership of the Judicial Selection Commission shall be replaced pursuant to this act. The initial terms of the new members will be staggered with two of the Senate Speaker's appointments, two of the House Speaker's appointments, and the joint appointment having a term of two years. Three of the Senate Speaker's appointments and three of the House Speaker's appointments will have an initial term of four years. Three of the Senate Speaker's appointments and three of the House Speaker's appointments will have an initial

term of six years. Requires the Administrative Office of the Courts (AOC) to post on its Web site an application form for citizens who wish to be considered as judicial nominating commission appointees, to establish a deadline for applications, to post a summary of the applicants, and to receive public comments for a 14- day period after the application deadline. Requires the AOC to notify the general public and to provide written notification to the Senate and House Speakers. Within 14 days of the posting of the summary of applicants, requires the Speakers to make the initial appointments. Requires each member to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment. Requires any member appointed from one of the grand divisions to have been a resident of that grand division for at least one year immediately prior to appointment. No member of the Commission can be a registered lobbyist or a registered employer of a lobbyist in Tennessee. Automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office or who becomes a registered lobbyist or registered employer of lobbyist. Requires all hearings, interviews, and deliberations of the Commission to be public. When selecting nominees, Commission members to vote anonymously by written ballots and requires such ballots to be collected, announced, and tallied at the public meeting. Authorizes the Tennessee Bureau of Investigation (TBI) to perform a Level II security clearance on possible nominees at the direction of the Governor. Requires the Commission, within 60 days from receipt of written notice from the Governor that a vacancy has occurred, to

select and certify three nominees or the Governor may require one other panel of three additional nominees. Requires the Governor, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009, within 60 days by appointing one of the six nominees. The Governor may reject both panels for good cause and fill the vacancy by appointing another qualified person. Requires the Governor to provide written notice, including reasons for rejection of nominees, to the Commission. Requires the Governor after receiving the Commission's nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. If the Commission does not furnish three nominees within 60 days, authorizes the Governor to fill the vacancy by appointing any person who is licensed to practice law in the state of Tennessee and who is otherwise qualified. If a judge receives less than a majority on the retention election ballot, the resulting vacancy shall be filled by means of a contested election conducted in accordance with general election law. Reduces from 12 to nine, the membership of the Judicial Performance Evaluation Commission. Approved as amended by House Finance, Ways & Means Committee 5/12/09.

[Tennessee SB 1573](#) AS AMENDED:
Creates the Judicial Nominating Commission and the Judicial Performance Evaluation Commission to replace the Judicial Selection Commission and the Judicial Evaluation Commission. The newly created Commissions shall terminate on June 30, 2012. The Speaker of the Senate and the Speaker of the House of Representatives shall each appoint eight

members, two from each of the three grand divisions and two at-large members, with at least five members being lawyers. The Speakers shall appoint one at-large non-lawyer member jointly. Not more than three of the at-large members can be from the same grand division. Effective July 1, 2009, the membership of the Judicial Selection Commission shall be replaced pursuant to this act. The initial terms of the new members will be staggered with two of the Senate Speaker's appointments, two of the House Speaker's appointments, and the joint appointment having a term of two years. Three of the Senate Speaker's appointments and three of the House Speaker's appointments will have an initial term of four years. Three of the Senate Speaker's appointments and three of the House Speaker's appointments will have an initial term of six years. Requires the Administrative Office of the Courts (AOC) to post on its Web site an application form for citizens who wish to be considered as judicial nominating commission appointees, to establish a deadline for applications, to post a summary of the applicants, and to receive public comments for a 14- day period after the application deadline. Requires the AOC to notify the general public and to provide written notification to the Senate and House Speakers. Within 14 days of the posting of the summary of applicants, requires the Speakers to make the initial appointments. Requires each member to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment. Requires any member appointed from one of the grand divisions to have been a resident of that grand division for at least one year immediately prior to appointment. No member of the

Commission can be a registered lobbyist or a registered employer of a lobbyist in Tennessee. Automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office or who becomes a registered lobbyist or registered employer of a lobbyist. Requires all hearings, interviews, and deliberations of the Commission to be public. When selecting nominees, Commission members to vote anonymously by written ballots and requires such ballots to be collected, announced, and tallied at the public meeting. Authorizes the Tennessee Bureau of Investigation (TBI) to perform a Level II security clearance on possible nominees at the direction of the Governor. Requires the Commission, within 60 days from receipt of written notice from the Governor that a vacancy has occurred, to select and certify three nominees or the Governor may require one other panel of three additional nominees. Requires the Governor, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009, within 60 days by appointing one of the six nominees. The Governor may reject both panels for good cause and fill the vacancy by appointing another qualified person. Requires the Governor to provide written notice, including reasons for rejection of nominees, to the Commission. Requires the Governor after receiving the Commission's nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. If the Commission does not furnish three nominees within 60 days, authorizes the Governor to fill the vacancy by appointing any person who is licensed to practice law in the state of Tennessee and who is otherwise qualified. If a judge receives less than a

majority on the retention election ballot, the resulting vacancy shall be filled by means of a contested election conducted in accordance with general election law. Reduces from 12 to nine, the membership of the Judicial Performance Evaluation Commission. Approved as amended by Senate Judiciary Committee and Senate Government Operations Committee 5/19/09.

[Tennessee SB 1715](#) AS AMENDED: Renames the "judicial selection commission" as the "judicial nominating commission." Removes all present members of the commission. Allows for Speakers of House and Senate to select members of the commission of their own choosing, allowing bar and other groups only to make recommendations (currently, such groups submit list of names for Speakers to choose from). Reduces commission terms from 6 years to 4 and prohibits members from being registered lobbyists. Determines any commission member who misses four meetings forfeits their office. Repeals requirement that governor must state why he or she is rejecting first panel of judges submitted by commission and allows governor who asks for second panel to choose from either panel. Approved by Senate Judiciary Committee and Senate Finance, Ways and Means Committee 5/19/09.

[Tennessee SB 2114](#) AMENDED: Requires each judge of a circuit, chancery, criminal, or other state trial court of record to be elected to an eight-year term in a contested election held at the regular August election in 2014 and at each regular August election every eight years thereafter. Establishes procedures for filling judicial vacancies that occur during the term of office. Deletes the

Judicial Selection Commission (JSC) in its entirety. Reestablishes the Judicial Evaluation Commission (JEC) composed of 12 members and extends the sunset provision for the JEC to June 15, 2015. Approved by Senate Judiciary Committee 5/13/09. Approved by Senate Government Operations Committee 5/14/09.

[Tennessee SB 2168](#) AS AMENDED: Requires all judicial vacancies be filled by qualified voters. Allows Governor to make appointment of person until election is held. Approved by Senate Judiciary Committee 5/19/09.

**Qualifications and Terms:
Newly Introduced**
NONE

**Qualifications and Terms:
Floor and Committee Activity**

[Alabama SB 28](#) Requires that persons elected or appointed to serve on the Supreme Court, Court of Civil Appeals, and Court of Criminal Appeals have a combined total of 10 years or more of licensure to practice law. Requires persons serving as a circuit court judge have a combined total of five years of licensure to practice law. Requires persons serving as a district court judge have a combined total of three years of licensure to practice law. Approved by full House 5/7/09. Signed into law by Governor 5/15/09.

[Alabama SB 396](#) Expands the eligibility criteria for becoming a supernumerary judge to any person who completed the years of judicial service and reached the age required under the old (i.e. September 18, 1973) plan.

Approved by full House 5/15/09. To Governor for approval.

[Louisiana HCR 76](#) Requests that the attorney general study the training requirements of justices of the peace over the age of 70. Approved by House Judiciary Committee 5/13/09.

[Nebraska LB 343](#) Designates the time a judge's term ends (first Thursday after the first Tuesday in January next succeeding the judge's retention election). Approved by full Senate 5/20/09. To Governor for approval.

[New Hampshire HB 655](#) Allows judges over 70 years of age to serve as senior active status justices. Repeals a provision authorizing such judges to serve as judicial referees. Approved as amended by Senate Judiciary Committee 5/13/09.

[North Carolina HB 1398](#) Grants Chief Justice power to designate senior resident superior court judge to serve in that capacity at the pleasure of the Chief Justice (currently, senior resident superior court judge is longest continuously serving judge). Approved by full House 5/6/09.

[Tennessee HB 730](#) Allows certain municipal judges to concurrently serve as municipal recorder and exempts certain municipal judges from certain annual continuing education requirements imposed on municipal judges. Approved by House Finance, Ways and Means Committee 5/5/09.

Rule Making Authority: Newly Introduced

NONE

Rule Making Authority: Floor and Committee Activity

[Delaware SB 25](#) Provides for the operation of the courts in the event of an emergency. Grants the Chief Justice the authority to declare a judicial emergency when there are emergency circumstances affecting one or more court facilities with such order limited to an initial duration of 30 days but renewable for 30 day periods. Allows Chief Justice to order the conducting of courts outside their normal county, extend statutes of limitations, etc. Approved by full House 5/12/09. Signed into law by Governor 5/19/09.

[Nevada AB 496](#) Requires the Commission on Judicial Discipline, within 18 months after the receipt of a complaint, to either resolve the complaint or authorize the filing of a formal statement of charges relating to the complaint. Adds public admonishment and public reprimand to the existing forms of discipline the Commission is authorized to use for a judge who is the subject of a complaint. Authorizes a person who files a complaint against a judge with the commission, the judge who is the subject of the complaint or a witness to disclose information concerning the complaint and any investigation or proceedings concerning the complaint. Authorizes the Commission to issue an explanatory statement, under certain circumstances, concerning a complaint filed with the Commission under certain circumstances in which the complaint is made public. Requires the Commission on Judicial Discipline prepare annual and biennial reports concerning, among other things, the disposition of cases filed with the Commission. Authorizes the Commission to dismiss a complaint with a

letter of caution under certain circumstances. Provides, with exceptions, a 3-year statute of limitations for filing a complaint with the Commission concerning alleged misconduct or incapacity of a judge. Sets deadlines for judges to answer complaints, a hearing on the charges, and a final determinate by the commission. Approved with Senate amendment by full Senate 5/18/09. To Assembly to concur.

[Oklahoma SB 1115](#) Requires local rules and administrative orders of a district court not conflict with any statutes or any rules of a superior court. Requires such local rules be in writing and published on the Oklahoma Supreme Court Network to be valid and enforceable. Conference report approved by House and Senate 5/21/09. To Governor for approval.

[Pennsylvania HB 128](#) Urges Supreme Court to enact a rule of criminal procedure allowing written jury instructions pertaining to the elements of each crime charged and any relevant defenses to be provided to jurors for use as part of the deliberative process by the jury. Approved by House Judiciary Committee 5/12/09.

[South Carolina HB 3123](#) Provides a person must be a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. Requires the practice of law be defined by decisions of the Supreme Court of South Carolina prior to any criminal charges being filed under this law. House concurs with Senate amendment 5/13/09. To Governor for approval.

Structure Changes: Newly Introduced

NONE

Structure Changes: Floor and Committee Activity

[Connecticut HB 6385](#) Deletes all existing probate district boundaries and makes new probate court districts the same as state senatorial districts. Requires probate judges have been admitted to the Connecticut bar at least 10 years. Directs Probate Court Administrator establish and maintain a budget for the probate court system and allocate the budgets for each court based upon the weighted workload of the court. Directs Probate Court Administrator ensure that all staff, including judges, who are offered insurance or retirement benefits work a minimum of twenty hours per week. Requires probate courts be open for business at least 40 hours a week (currently minimum of 20). Approved by full House 5/19/09.

[Illinois HB 3795](#) Requires the Chief Judge of each judicial circuit establish a drug court program (currently, they may establish such programs). Approved with Senate amendment by full Senate 5/21/09. To House to concur.

[Illinois HB 4212](#) Permits the Chief Judge of a judicial circuit to establish a military and veterans court program for veterans and active duty service members. Provides that in such judicial circuits, a veteran or active duty service member who has a substance abuse problem and who is subject to a criminal proceeding may with the consent of the prosecution and with the approval of the court be admitted into a military and

veterans court program. Excludes from the program certain specified veteran or active duty service members. Approved by full Senate 5/15/09. To Governor for approval.

[Nevada AB 102](#) Authorizes a court to establish a program for the treatment of problem gambling. Approved by full Senate 5/22/09. To Governor for approval.

[Nevada AB 187](#) Authorizes a district court to establish a program for the treatment of certain eligible defendants who are veterans or members of the military, using the existing law for the treatment of offenders with mental illness as a model. Requires courts ask defendants if they are veterans or serving in the military. Authorizes justice courts and municipal courts to transfer original jurisdiction of certain cases involving misdemeanors to the district court for the purpose of assigning offenders to the program of treatment. Assembly concurs with Senate amendment 5/1/09. Signed into law by Governor 5/6/09.

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

[New Hampshire Jurisdiction HB 281](#)

ORIGINAL: Increases small claims jurisdiction to \$10,000 from \$5,000. Requires mediation of all small claims actions exceeding \$5,000 and establishes fee for the cost of such mediation. AMENDED: Increases small claims jurisdiction to \$7,500. Requires claims from \$5,000-\$7,500 be subject to mandatory mediation. Approved by Senate Judiciary Committee

5/6/09. Approved by full Senate 5/13/09. To Governor for approval.

Salary and Budget: Newly Introduced

[New York SB 5539](#) Establishes a pilot program for the payment of fines by credit card or similar device in at least 50 town and village courts. In Senate Judiciary Committee.

Salary and Budget: Floor and Committee Activity

[Connecticut SB 1157](#) Increases various filing fees and allocates funds to provide legal services to the poor and technology projects within the Judicial Branch. Approved by full Senate 5/21/09.

[Florida SB 2694](#) Specifies that the Legislature must grant specific authority in the General Appropriations Act before a state agency or the judicial branch may make certain transfers deemed necessary by reason of changed conditions. Approved by full House 5/15/09. To Governor for approval.

[Illinois HB 4445](#) Repeals cost of living adjustments for 2009 for judges and other officials. Approved by full House 5/6/09.

[Illinois SB 63](#) Requires that the Compensation Review Board file separate reports with respect to (i) State executive branch constitutional officers and General Assembly members and (ii) judges and all other offices. Provides that a report is effective if approved in whole or reduced by a resolution adopted by the General

Assembly (now, effective unless disapproved in whole or reduced by a resolution adopted by the General Assembly). Requires a separate resolution and vote for each report. Approved with House amendment by full House 5/19/09. To Senate to concur.

[Minnesota SB 1679](#) Authorizes judiciary, other branches and agencies to provide retirement incentives. Approved by full Senate 5/13/09.

[Missouri SB 265](#) Extends deadline for collection of the statewide court automation fee from September 2009 to September 2013. Approved by full House 5/13/09. To Governor for approval.

[Nebraska LB 414](#) Changes judicial salaries: Supreme Court Justices \$139,277.61 on 7/1/2009 and \$142,759.55 in 7/1/2010. Requires judges and justices provide additional contributions to judicial retirement fund. Approved by Senate 5/13/09. Signed into law by Governor 5/19/09.

[Nevada AB 65](#) Authorizes a district court to charge and collect certain additional filing fees to be deposited into a special county account maintained for the benefit of the court to be used only for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment and technology. Authorizes a board of county commissioners to impose by ordinance a filing fee of not more than \$20 to be paid on the commencement of any civil action or proceeding in the district court and provides that the fee may be used only for programs for court security and must not supplant

existing budgets for court security. Approved by full Assembly 5/18/09.

[Nevada AB 271](#) Requires the Office of Court Administrator to collect fines, administrative assessments, fees and restitution from a person convicted of certain offenses and distribute the funds to the entity entitled to receive it. Approved by Senate Judiciary Committee 5/15/09.

[North Carolina HB 917](#) Specifies officers of the Judicial Branch whose salaries are not protected from reduction by the North Carolina Constitution are subject to reductions in pay to the same extent as if the officers were covered by an existing executive order applicable to executive branch agencies. Authorizes Chief Justice to use flexible leave of judicial employees as necessary to implement the executive order. House concurs with Senate amendment 5/14/09. Signed into law by Governor 5/18/09.

[Oregon HB 2287](#) Increases court fees and other amounts that courts may charge. Creates court fees and assessment for specified fees. Establishes State Judicial Stabilization Fund. Directs certain fees to be deposited in fund. Continuously appropriates moneys in fund to Judicial Department for purpose of paying expenses related to maintaining stable and equitable operation of state court system. Establishes State Court Technology Account. Directs certain fees and assessment for specified fees to be deposited in account. Continuously appropriates moneys in account to department for purpose of paying certain expenses related to department's technology systems, equipment and services. Approved by House Judiciary Committee as

amended 5/7/09. In House Ways and Means Committee.

[Oregon SJM 12](#) Requests Congress immediately introduce and pass legislation to implement a tax refund intercept program for the collection of unpaid restitution, and court fines, fees and penalties. Approved by full Senate 4/13/09. Approved by full House 5/12/09.

Other: Newly Introduced

[Louisiana SCR 28](#) Requests the Supreme Court of Louisiana to grant attorneys employed full-time by the Legislature of Louisiana eight hours of continuing legal education credits. In Senate and Governmental Affairs Committee.

[Ohio HB 180](#) Increases penalties for assaults of aggravated menacing committed in a courthouse. In House Criminal Justice Committee.

Other: Floor and Committee Activity

[Connecticut SB 1029](#) To authorize a workers' compensation commissioner aggrieved by a decision of the Judicial Review Council to appeal such decision to the Supreme Court in the same manner as a judge or family support magistrate. Approved by full House 5/14/09. To Governor for approval.

[Louisiana HB 532](#) Provides that "peace officer" includes full-time security personnel employed by the Supreme Court. Prohibits certified security personnel of the Supreme Court from being eligible to receive

supplemental pay benefits even though the peace officer has successfully completed an approved training program of the Council on Peace Officer Standards and Training. Approved by full House 5/13/09.

[Nevada AB 99](#) Defines participant in the legal process to include judges and court clerks. Creates an additional penalty for committing a crime against any person with the intent to intimidate, retaliate against, or because of the person's status as a participant in the legal process. Prohibits a person from knowingly making public certain restricted personal information of a participant in the legal process or his immediate family with the intent to threaten, intimidate or incite the commission of crimes against the participant in the legal process or his immediate family. Prohibits a person from filing, attempting to file or conspiring to file certain false liens and encumbrances against the property of a participant in the legal process as the result of the performance of official duties by the participant in the legal process. Prohibits threats or intimidation towards a participant in the legal process. Includes within murder in the first degree the killing of a person to avoid or prevent the lawful execution of the official duties of a participant in the legal process. Authorizes judges to obtain a fictitious address and to use that fictitious address for certain public purposes, such as running for office, registering to vote and obtaining a driver's license. Approved by full Assembly 5/12/09.

[New Hampshire SB 33](#) Allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. Approved with House amendment by full House 5/20/09. To Senate to concur.

[New York AB 1508](#) Requires judges attend annual educational program or seminars on search and seizure and issuance of warrants Approved by Assembly Codes Committee 5/5/09.

[North Carolina HB 1269](#) Authorizes a county or city to use excess facility fees without the approval of the administrative office of the courts. Authorizes administrative office of the courts to set the worthless check fee amount. Permits AOC Director to select retirement program for enrollment. Allows AOC Director to create an Internal Audit Division and specifies audits to be conducted. Allows courts to be closed for "catastrophic conditions" and defines the term. Allows Chief Justice to extend certain deadlines for "catastrophic conditions" and to issue any emergency directives necessary to ensure the continuing operation of essential trial or appellate court functions for 30 days, subject to 30 day renewals. Approved by full House 5/14/09.

[North Carolina SB 797](#) Specifies a judge may disqualify for any reason that renders the judge unable to perform the duties required of the judge in the proceeding in an impartial manner. Requires any disqualification be in a written statement giving the specific reason or reasons for the disqualification. Approved by Senate Committee on Judiciary I 5/7/09. Approved by full Senate 5/11/09.

[Tennessee HB 724](#) Allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training. Rejected by House Judiciary Committee 5/13/09.

For our new searchable database of all *Gavel to Gavel* legislation, click [here](#).