

# Gavel to Gavel

A review of state legislation affecting the courts

January 15, 2009

Volume 3, Issue 3

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

## Selection: Newly Introduced

**[Arizona SB 1053](#)** Requires judicial and other candidates provide proof of citizenship prior to seeking office/seeking to be retained in office. In Senate (no committee).

**[Minnesota SB 70](#)** Establishes retention elections for judges. Expands terms of office from six to eight years. Creates a judicial performance commission. Commission must issue in year judge seeks retention evaluation of "well-qualified," "qualified," or "unqualified". In Senate Judiciary Committee.

**[Minnesota HB 87](#)** Creates judicial candidate voluntary conduct restrictions, prohibiting announcement of views, partisan activities, or personal solicitation of campaign funds. Judicial candidates that decline to agree to the restrictions have following placed on ballot next to their name in red: "**WARNING: This candidate has refused to be voluntarily bound by campaign ethics rules for judicial candidates.**" Candidates that agree to

restrictions to have "This candidate has voluntarily agreed to be bound by campaign ethics rules for judicial candidates." placed next to their names. In House State and Local Government Operations Reform, Technology and Elections Committee.

**[Mississippi HB 318](#)** Repeals 1994 law establishing nonpartisan elections for Supreme Court, Court of Appeals and Circuit Court. Would result in return to partisan primary and general elections. In House Judiciary A Committee.

**[Mississippi SB 2201](#)** Abolishes partisan primaries for justice court judges and others and replaces with open primaries. In Senate Elections Committee.

**[Mississippi SCR 513 \(Constitutional Amendment\)](#)** Makes Justice Court elections nonpartisan. Extends terms of justice court judges elected in 2008 to 2015 (normally, only serve 4 year terms). In Senate Constitution Committee.

**[Mississippi SCR 532 \(Constitutional Amendment\)](#)** Requires all elections, including those for judicial offices, be held on even numbered years. Reduces terms of current office holders accordingly. In Senate Elections and Constitution Committees.



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.org](mailto:gaveltogavel@ncsc.org)

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



**Virginia HB 1804** Requires the General Assembly to approve retired judges and justices temporarily recalled to duty by the chief justice. In House Committee for Courts of Justice.

**Washington SB 5082** Creates the nonpartisan judicial commission to, in the event of a vacancy in the supreme court or court of appeals, nominate and submit to the governor three names of people qualified to fill the vacancy. Commission to consist of three attorneys (selected by bar members), three nonattorneys (selected by Governor) and a justice of the supreme court (selected by court). Contingent on passage of constitutional amendment. In Senate Committee on Judiciary.

**Washington SB 5093** Establishes a supreme court nonpartisan commission and three court of appeals nonpartisan commissions, one for each division of the court of appeals. Commissions to nominate and submit to the governor three or more names of people qualified to fill the vacancy if a vacancy occurs on the court for which a commission is responsible. Commissions required, before a primary or general election for the positions of justice of the supreme court or judge of the court of appeals, review the candidates who have filed for election and recommend one or more candidates for election by the public, conduct investigations, hold public hearings, and take public testimony before making recommendations to the governor. Contingent on passage of constitutional amendment. In Senate Committee on Judiciary.

**Washington SJR 8203 (Constitutional Amendment)** Requires that supreme court vacancies be filled according to statute. In Senate Judiciary Committee.

**Washington SJR 8204 (Constitutional Amendment)** Requires that supreme court vacancies be filled according to statute that creates a nonpartisan commission comprising not less than seven members, the majority of whom shall be nonattorney members, and the membership of which shall be geographically representative and ethnically diverse. In Senate Judiciary Committee.

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

NONE

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

**Alabama HB 66** 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. Persons serving as a district court judge have a combined total of three years of licensure to practice law. In House Judiciary Committee

**Nebraska LB 7** Specifies a clerk of the district court need not be a resident of the county when he or she files for election but must reside in a county for which when he or she holds office. Introduced (no committee).

[New York AB 840](#) Extends from four years to eight years the term of office of commissioner of jurors. In Assembly Judiciary Committee.

[New York SB 268](#) Provides that the court clerk of a village with a population of less than 10,000 or of a town with a population of less than 20,000 need not be a resident of such village or town; such court clerk need only be a resident of the county in which such village or town is located or an adjoining county. In Senate Local Government Committee.

[Virginia HB 1753](#) Provides that if a full-time district court judge is convicted of a felony or Class 1 misdemeanor during his term of office, such term shall expire 30 days after the commencement of the next regular session of the General Assembly notwithstanding the term for which such judge was elected. In House Committee for Courts of Justice.

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

NONE

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

[Arkansas SB 33](#) Amends Supreme Court Rule 5-2. Requires that, except for an order affirmed without an opinion, all opinions (published or "unpublished") are precedent and may be relied upon and cited by any party in any proceeding. Specifies that whether an opinion is included in the Arkansas Reports or Arkansas Appellate Reports shall have no effect on its precedential value. In Senate Committee on Judiciary.

[Montana SB 197](#) Defines court transcripts costs. Permits office of the court administrator to adjust courts annually based on consumer price index. In Senate Judiciary Committee.

[New Hampshire HB 104](#) Repeals authority of supreme court to establish a business and commercial dispute docket in the superior court. In House Judiciary Committee.

[New Hampshire SB 34](#) Requires that registers of probate be present at the probate office in accordance with personnel rules established by the supreme court. Grants Registers of probate the benefits of employment in the judicial branch and requires they be subject to the personnel rules established by the supreme court. In Senate Judiciary Committee.

[New York AB 912](#) Requires judicial conduct hearings be open to the public. In Assembly Judiciary Committee.

[Texas SB 426](#) Provides the court of criminal appeals may adopt rules and procedures providing for and governing the electronic filing of briefs, pleadings, and other documents for capital cases in that court. Prefiled.

[Texas SB 445](#) Requires Supreme Court create rules to provide for the taking of notes by jurors in civil trials and submit written questions to witnesses. Prefiled.

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

NONE

## Structure Changes: Newly Introduced

NONE

## Structure Changes: Floor and Committee Activity

NONE

## Jurisdiction: Newly Introduced

[Arizona SCR 2001 \(Constitutional Amendment\)](#) Grants Superior Court original jurisdiction over "Annulment and dissolution of marriage" (currently reads "Divorce and for Annulment of marriage.") In House Rules Committee.

[Indiana HB 1120](#) Provides that a court with criminal or juvenile jurisdiction may establish a problem solving court for alternative treatment and rehabilitation. Requires the board of directors of the judicial center to adopt rules for the certification and operation of problem solving courts. In House Committee on Judiciary.

[Kentucky HB 165](#) Authorizes the Supreme Court of Kentucky to operate drug court programs, sets standards for such programs and participants, and provides for funding such programs by a \$75 fee on controlled substances offenses. Prefiled.

[Mississippi HB 412](#) Increases justice court jurisdiction to \$10,000. In House Judiciary A Committee.

[Mississippi HB 242](#) Requires the establishment of drug courts in all circuit court districts. In House Judiciary A Committee.

[New York SB 347](#) Directs the establishment of gun court calendars in criminal courts to hear cases involving unlawful gun possession and use and requires the expeditious scheduling of trials conducted therein; makes various provisions for the establishment of such calendar. In Senate Codes Committee.

[North Dakota HB 1296](#) Increases to \$10,000 from \$5,000 small claims jurisdiction. In House Judiciary Committee.

## Jurisdiction: Floor and Committee Activity

NONE

## Salary and Budget: Newly Introduced

[Arizona SB 1073](#) Repeals supreme court's authority to increase certain justice court fees based on average consumer price index. In Senate (no committee).

[Kentucky HB 142](#) Allows judges eligible to elect participation in the Senior Status Program for Special Judges as of January 31, to elect participation in the program after January 31. Adjusts related retirement benefits provisions but requires they commit to serve as a special judge when appointed by the Chief Justice for 120 days a year for a five year period without additional compensation. In House (no committee).

[Mississippi HB 450](#) Increases salaries of Supreme Court, Court of Appeals, Chancery and Circuit Justices/Judges. In House Fees and Salaries of Public Officers Committee.

[Mississippi SB 2447](#) Creates separate court interpreter fund to be managed by the

Administrative Office of Courts for the purpose of making more efficient the procurement of interpreters and translation in the courts for persons with limited English proficiency. In Senate Judiciary A and Appropriations Committees.

**Mississippi HB 220** Provides for additional compensation for court reporters when performing court administrator duties, funds to be paid from judge's support staff allowance. In House Fees and Salaries of Public Officers Committee.

**Mississippi SB 2185** Includes all remuneration or amounts paid (except mileage allowance) paid to Justices of the Supreme Court and Judges of the Court of Appeals as "earned compensation" for retirement fund purposes. In Senate Finance Committee.

**Missouri HB 235** Removes the expiration date for the Statewide Court Automation Fund and allows the fee to be collected and the fund to function indefinitely. In House (no committee)

**Missouri HB 238** Allows the annual report of the Judicial Finance Commission to be combined with any other annual report of the Missouri Supreme Court or Office of State Courts Administrator under certain conditions. In House (no committee).

**Missouri HCR 5** Disapproves the Missouri Citizens' Commission on Compensation for Elected Officials salary recommendations, including those for justices/judges. In House (no committee).

**Missouri HCR 6** Disapproves the recommendations of the Missouri Citizens' Commission on Compensation of Elected

Officials, including raises for judges/justices. In House (no committee).

**Missouri HJR 12 (Constitutional Amendment)** Requires separate compensation schedules by the Citizens' Commission for legislators and other state officials and judges. In House (no committee).

**Oklahoma HB 1061** Permits the governing body of a municipality to enter into a contract with a debt collection agency to collect court debts. No committee yet assigned.

**South Dakota HB 1066** With respect to the Commission on Judicial Qualifications, requires Supreme Court provide administrative support in managing the budget, in paying for travel expenses, in paying salaries of employees, and in drafting contracts for services. Prefiled.

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

**Florida SB 12A (Special Session)** Increases by \$25 the fine for exceeding the speed limit by 15-19 miles per hour or 20-29 miles per hour and directs that the revenue from the increase be deposited into the new State Courts Revenue Trust Fund. Creates a \$10 assessment to be paid, in addition to any other penalties, for noncriminal moving and nonmoving traffic violations and directs \$5 of the \$10 assessment to the State Courts Revenue Trust Fund. Eliminates an 18-percent discount in certain traffic-infraction penalties which drivers may receive for attending a basic driver improvement course and directs that the revenue be deposited into the State Courts Revenue Trust Fund. Specifies that certain criminal fines must be

imposed in cases in which the offender enters a plea of guilty or a plea of nolo contendere, regardless of whether adjudication of guilt is withheld. Provides that the criminal fine imposed when adjudication is withheld shall be deposited in the State Courts Revenue Trust Fund. Approved by full House and Senate. To Governor for signature.

**Florida SB 14A (Special Session)** Creates the State Courts Revenue Trust Fund and details the purpose of the fund is to support the activities of the state court system. Approved by House and Senate. To Governor for signature.

### **Other: Newly Introduced**

**Indiana SB 245** Provides that a circuit court clerk is not personally liable for acts or omissions in the performance of the clerk's duties absent gross negligence or intentional disregard of the responsibilities of the office of clerk. In Senate Committee on Corrections, Criminal, and Civil Matters.

**New Hampshire HB 171** Establishes a commission to evaluate mental health court and set standards for the operation of mental health courts. In House Judiciary Committee.

**New Hampshire HB 217** Requires all court documents use gender neutral references in all documents, including forms, transcripts, and opinions, used by the courts in divorce

and child custody proceedings. In House Judiciary Committee.

**New Hampshire SB 33** Allows lobbyists and those connected with lobbyists to sit on committees established by the judicial branch. In Senate Election Laws & Veterans' Affairs Committee.

**New York AB 1174** Provides that a person is guilty of intimidating or threatening a judge or justice when he or she by word, gesture or other means conveys to any person or any judge or justice that he or she will or will attempt to cause the harassment, injury or death of such judge or justice or any of the judge's or justice's family members. In Assembly Codes Committee.

**Oklahoma SB 499** Permits Members of the Council on Judicial Complaints to hold an office in addition to serving as councilmember. Allows Council to employ counsel as needed. In Senate (no committee).

**Texas HB 481** Requires appellate courts, agencies in the judicial branch (including the State Bar) and others to use an open document format (.odf) for all electronic documents. Filed (no committee).

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

NONE