

Gavel to Gavel

A review of state legislation affecting the courts

March 5, 2009

Volume 3, Issue 10

Focus: Legislation Regarding Court Hours of Operation

The budget crises affecting the states are leading several state judiciaries to consider cutting court hours and even shutting down for days at a time. In the last several years, however, legislatures have debated an *increase* in the hours a court may or must operate. Some of those bills included:

2005-2007

Hawaii's [SB 2932 of 2006](#) would have mandated extended hours for select courts to handle arraignments. It was approved by the Senate Judiciary Committee but proceeded no further.

Connecticut's [SB 1272](#) and [SB 1438](#) of 2007 required the Probate Courts of the state remain open at least 20 hours per week, subject to modification for good cause by the state's Probate Court Administrator. SB 1438 became law, but SB 1272, which included a variety of other provisions, was only able to make it out of the Joint Committee on the Judiciary.

2009

California's [AB 996](#) would authorize the Chief Justice, the presiding justice of a Court of Appeal, or the presiding judge of a Superior Court to order the court to operate on a continuous and ongoing basis, 24 hours per day, 7 days per week.

Connecticut's [HB 6385](#) would expand the existing 20-hour minimum hours the probate courts must be opened per week to 40 hours.

South Carolina's [HB 3163](#) would require municipal courts be open 8:30 a.m. to 5:00 p.m. Monday through Friday.

Selection: Newly Introduced

[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. In Assembly (no committee).

[Georgia HB 601](#) Requires judicial recusal where a judge either a) failed to set up a campaign committee to accept contributions and instead directly solicited contributions from any party or attorney or law firm representing a party in a case pending before his or her court or b) involving a party or his or her attorney that has made an influential action concerning a campaign of the judge presiding over the party's case during the election of such judge. Requires any person



ADVANCED GOVERNMENT SOLUTIONS
Intelligence Analysis Investigative Research & 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/



domiciled outside Georgia who contributes to judicial or other campaigns file disclosures similar to instate contributions. In House Judiciary Committee.

[Minnesota SB 1119 \(Constitutional Amendment\)](#) Requires executive officer, judge, or legislator be elected by a majority of the votes cast at the general election for the office. In State and Local Government Operations and Oversight Committee.

[Minnesota HB 1206](#) Sets contributions limits for judicial candidates: \$2,000 in an election year for the office sought and \$500 in other years. In House State and Local Government Operations Reform, Technology and Elections Committee.

[North Carolina HB 414](#) Creates merit selection system for judicial vacancies. Commission to be submit 3-5 nominees to governor. Judges subject to retention elections. In House Rules Committee.

Selection: Floor and Committee Activity

[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". Approved as amended by Senate Judiciary Committee 3/5/09. In Senate State and Local Government Operations and Oversight Committee.

[Utah SB 271](#) Allows the Senate Judicial Confirmation Committee to review relevant complaints, papers, testimony, and records of the Judicial Conduct Commission for the

purpose of determining a nominee's fitness for judicial office. Approved by Senate Workforce Services and Community and Economic Development Committee 3/3/09. Approved by full Senate 3/6/09.

Qualifications and Terms: Newly Introduced

[Connecticut SB 6672](#) Requires judges of probate to complete annual continuing education on evidentiary matters. In Joint Committee on Judiciary.

Qualifications and Terms: Floor and Committee Activity

[Georgia HB 478](#) Requires municipal court judges be attorneys unless already serving as municipal court judge. Approved by House Committee on Governmental Affairs 3/3/09.

[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 the county for which he or she holds office. Approved by full Senate 2/27/09. To Governor for approval.

[South Dakota SB 78](#) ORIGINAL: Increases mandatory retirement age of judges of the Supreme Court and circuit court from 70 to 75. SUBSTITUTED: Directs the findings and recommendations of the Unified Judicial System's study determining the need for an additional drug court or drug courts to be established in judicial circuits with the highest volume of felony convictions shall be incorporated into a plan to be presented to the 2010 Legislature for possible implementation in fiscal year 2011. Directs the plan may also include other proposals

designed to reduce the prison population in a manner that does not jeopardize the public safety of South Dakota citizens. Original bill procedurally killed by Senate Judiciary Committee 3/4/09.

Rule Making Authority: Newly Introduced

[Arkansas SB 796](#) Authorizes each circuit judge to appoint one law clerk who is a licensed attorney. In Senate Committee on Judiciary.

[California AB 663](#) Requires Judicial Council enter agreements to provide for telephone appearances in specified civil cases. Requires the Judicial Council, establish a working group to review, identify, and develop best practices to provide interpreters in civil actions and proceedings, as specified. Requires the Judicial Council select up to 5 courts to participate in a pilot project to provide interpreters in civil proceedings. Requires Judicial Council determine the need for and use of interpreters in civil and criminal court proceedings. Requires trial courts to collect and report the use of interpreters in all criminal and civil proceedings in the manner specified by the Judicial Council. In Assembly (no committee).

[California AB 996](#) Authorizes the Chief Justice of the Supreme Court, the presiding justice of a court of appeal, or the presiding judge of a superior court to order the court to operate on a continuous and ongoing basis, 24 hours per day, 7 days per week. In Assembly (no committee).

[Florida HB 1537](#) Encourages Florida Supreme Court to adopt rules authorizing

party to appeal order denying motion for summary judgment & specifies rule criteria. In House Civil Justice & Courts Policy Committee.

[Hawaii HR 81](#) Encourages judiciary to allow attorneys appearing in state courts to wear aloha attire. In House Committee on Judiciary.

[Minnesota HB 1268](#) Authorizes judiciary and other branches to use space under their control to offer fitness, wellness, or similar classes or activities to its employees, and may allow persons conducting these classes or activities to charge employees a fee to participate. In House State and Local Government Operations Reform, Technology and Elections Committee.

[New York SB 2849](#) Permits the governor or the chief judge to temporarily relocate court terms where there are circumstances or the threat thereof which prevent the safe and practical holding of any term. In Senate Judiciary Committee.

[Texas HB 1861](#) Grants authority to the Supreme Court of Texas and the Texas Court of Criminal Appeals to extend the statute of limitations and certain other legal deadlines in a county in which a disaster has occurred. In House Judiciary & Civil Jurisprudence Committee.

Rule Making Authority: Floor and Committee Activity

[Georgia HB 235](#) Removes requirement of publishing a volume of court rules by state publisher of court reports. Provides for the maintenance of a rules compilation online instead. Approved by full House 3/5/09.

[South Carolina SB 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. Approved by full Senate 2/27/09.

[South Dakota SB 99](#) Authorizes Supreme Court to issue rules for the collection of fees, costs, or civil penalties assessed by local governmental entities. Approved by House Judiciary Committee 3/4/09. Approved by full House 3/5/09.

Structure Changes: Newly Introduced

[Connecticut SJR 63 \(Constitutional Amendment\)](#) Eliminates Probate Courts. In Joint Committee on Judiciary.

[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. In House Judiciary II - Criminal Law Committee.

[West Virginia HB 2910](#) Increase the minimum number of magisterial districts in

a county from three to four. In House Political Subdivisions Committee.

Structure Changes: Floor and Committee Activity

[Arkansas HB 1398](#) Requires consolidation of city courts with district courts in specified counties. Creates additional pilot state district court judgeships. Approved by Senate Committee on Judiciary 3/3/09. Approved by full Senate 3/4/09.

[Washington SB 5151](#) ORIGINAL: Allows the presiding judge of the superior court in a county with more than 400,000 people to appoint attorneys to act as criminal commissioners to assist the superior court in disposing of adult criminal cases. SUBSTITUTED: Same, but requires the county legislative authority to approve the creation of the criminal commissioner positions. Approved by full Senate 3/4/09.

Jurisdiction: Newly Introduced

[Connecticut HB 6626](#) Transfers jurisdiction over all contested probate cases from the probate court to the Superior Court. In Joint Committee of Judiciary.

[Florida SB 1318](#) Provides that the circuit court has jurisdiction to entertain an action for declaratory judgment to provide relief when the State Constitution contains redundant statutory language and when the State Constitution is itself unconstitutional under the United States Constitution. In Senate Judiciary, Ethics and Elections, and Criminal and Civil Justice Appropriations Committees.

[Minnesota HB 1181](#) Increases conciliation court jurisdiction to \$15,000 from \$7,500 or, if case involves consumer credit transaction, to \$7,500 from \$4,000. In House Civil Justice Committee.

[Minnesota SB 1083](#) Increases conciliation court jurisdiction to \$15,000 from \$7,500 or, if case involves consumer credit transaction, to \$7,500 from \$4,000. In Senate Judiciary Committee.

[Missouri SJR 15 \(Constitutional Amendment\)](#) Provides that the general assembly is not required to enact legislation to comply with a court order declaring that it raise taxes. In Senate (no committee).

Jurisdiction: Floor and Committee Activity

[Georgia HB 220](#) Provides a uniform 90 days for judges of the superior, state, or city courts for issuing orders on motions (currently, judges in counties below 100,000 population are given 30 days). Approved by full House 3/4/09.

Salary and Budget: Newly Introduced

[Arkansas SB 801](#) Creates a task force to study the funding of the state judiciary. In Senate Committee on State Agencies and Governmental Affairs.

[California AB 1338](#) Requires future state budgets for courts and other agencies be developed pursuant to performance-based budgeting methods. In Assembly (no committee).

[California SB 777](#) Requires future state budgets for courts and other agencies be developed pursuant to performance-based budgeting methods. In Senate (no committee).

[Maine SB 330](#) Increases the maximum amount of securities that may be issued by the Maine Governmental Facilities Authority for specific allocation to the judicial branch. In Senate Judiciary Committee.

[North Carolina HB 414](#) Creates merit selection system for judicial vacancies. Judges to be submit 3-5 nominees to governor. Judges subject to retentions elections. In House Rules Committee.

[Texas HB 1925](#) Repeals restriction that certain court administrators' salaries may not exceed 70 percent of the salary paid by the county to their judges. In House Judiciary & Civil Jurisprudence Committee.

[West Virginia SB 416](#) Increases the salary of family court judges from \$82,500 to \$111,000. In Senate Judiciary Committee.

Salary and Budget: Floor and Committee Activity

[Arkansas SB 505](#) Provides that if a city court fails to achieve substantial compliance with specified accounting practices, the Legislative Joint Auditing Committee shall suspend the city court's authority to operate and inform the court and the Administrative Office of the Courts. Approved by Senate Committee on Judiciary 3/4/09. Approved by full Senate 3/5/09.

[Arkansas HB 1467](#) Sets minimum and maximum salaries for county judges and other county officials. Approved by full Senate 3/4/09.

[Arkansas HB 1353](#) ORIGINAL: Provides structure for the perpetual staffing and operation of the state's Automated Court Management System so that the system is self-supporting and all funding is generated by and through use of the system and without any use of general revenue funds. AMENDED: Replaces "designated state agency" with "Administrative Office of the Courts or the Information Network of Arkansas". Specifies distribution/recipients of court technology fee. Approved by Senate Judiciary Committee 3/3/09. Approved by full Senate 3/4/09.

[Colorado HB 38](#) Removes the 2010 repeal of the docket fees for county court civil actions. Approved by House Judiciary Committee 3/5/09.

[Hawaii HB 1536](#) Freezes the salaries of state office holders, including justices and judges of all state courts. Approved as amended by House Finance Committee 3/2/09.

[Utah HB 455](#) Increases the security surcharge for certain judgments and allocates the increase to the Court Security Account. Allows the Administrative Office of the Courts to use the security surcharge for perimeter security at all court locations. Approved by House Judiciary Committee 3/4/09.

[Utah HB 297](#) Recodifies Budgetary Procedures Act. Requires an itemized estimate of the proposed appropriations for the Judicial Department as certified to the

governor by the state court administrator. Specifies that the estimate for the Judicial Department, as certified by the state court administrator, shall be included in the governor's budget without revision, but the governor may make separate recommendations on the estimate. Approved by full Senate 3/3/09. Returned to House for transmission to Governor for approval.

Other: Newly Introduced

[Illinois HCA 24 \(Constitutional Amendment\)](#) Provides that an Executive or a Judicial officer may be impeached by the House of Representatives by the vote of three-fifths of the members elected (instead of a majority). In House Rules Committee.

[Minnesota HB 1269](#) Requires Board on Judicial Standards and criminal justice agencies submit all reports to the legislature electronically. In House Public Safety Policy and Oversight Committee.

[Minnesota SB 712](#) Requires Board on Judicial Standards and criminal justice agencies submit all reports to the legislature electronically. In Senate Judiciary Committee.

[New York SB 2850](#) Creates crime of tampering with the judicial process to include threats and other actions taken against judges, court employees, or their families. In Senate Codes Committee.

[Pennsylvania SB 516](#) Creates crimes involving simulated legal process, impersonating a legal tribunal, impersonating a judicial or other public official, or hindering a public official through the use of such

process/impersonation. In Senate Judiciary Committee.

[Texas SB 1259](#) Allows clerks of the appellate courts to destroy paper documents held or stored electronically. In Senate (no committee).

[Texas HB 2189](#) Specifies the court of criminal appeals must remain open on a day an execution is scheduled to occur until after the execution in certain circumstances. In House Judiciary & Civil Jurisprudence Committee.

[Texas HB 2234](#) Permits nonattorneys to sit for bar exam if they have served as a judge of a constitutional county court for a specified number of years. In House Judiciary & Civil Jurisprudence Committee.

Other: Floor and Committee Activity

[Georgia HB 514](#) Prohibits senior status judges from hearing civil cases involving a challenge to the constitutionality of any state statute or state action unless judge while an elected superior court judge heard such cases. Approved by House Committee on Judiciary (Non-Civil) 3/3/09. Approved by full House 3/5/09.

[Utah HB 215](#) Creates a Justice for All special group license plate for programs that create or support equal access to the system

of justice. Creates the Justice for All Restricted Account and requires the Administrative Office of the Courts to distribute funds from the account to certain organizations that provide programs that create or support equal access to the system of justice. Approved by full Senate 3/5/09.

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

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.