

Gavel to Gavel

A review of state legislation affecting the courts

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Selection: Newly Introduced

NONE

Selection: Floor and Committee Activity

[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. Approved with Senate amendments by full Senate 4/15/09. House does not concur with Senate amendment.

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

4/14/09.

[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 as amended by Assembly Judiciary Committee 4/14/09.

[Tennessee SJR 77 \(Constitutional Amendment\)](#) Requires popular election of the lieutenant governor, attorney general, and secretary of state (currently, attorney general selected by supreme court.) Rejected by Senate Judiciary Committee 4/14/09.

Qualifications and Terms:

Newly Introduced

NONE

Qualifications and Terms: Floor and Committee Activity

[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 Senate 4/9/09.



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Editor's Email: wraftery@ncsc.org

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[Texas HB 957](#) Prohibits anyone currently serving in judicial office from serving in the state legislature. Prohibits anyone serving in the state legislature from serving as a judicial officer. Approved as substituted by House State Affairs Committee 4/14/09.

Rule Making Authority: Newly Introduced

[North Carolina HB 1396](#) Repeals district attorney's power to set the calendar for criminal cases in superior court and transfers authority to the court. Allows for transference of judges to district to contend with caseload and requires reasons be posted online. In House Committee on Judiciary II.

Rule Making Authority: Floor and Committee Activity

[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. Approved as amended by Assembly Judiciary Committee 4/15/09.

[Iowa HB 777](#) Provides that Iowa's open records law, relating to the regulation of records of a government body do not apply to government records under the control of the judicial branch related to the performance by the courts of their judicial functions. Requires the supreme court prescribe rules governing access to such records consistent with the open records law. Requires the supreme court prescribe rules regarding the creation, storage, retention, duplication, destruction, etc. of court records and administrative records. Eliminates certain discretionary powers of a clerk of court relating to certain methods of reproduction and destruction of original court records. Approved by full House 4/16/09.

[Minnesota HB 1268](#) Authorizes judiciary and other branches to use space under its 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. Approved by House Civil Justice Committee 4/14/09.

[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. Approved with House amendment by full House 4/14/09.

Virginia [HB 1946](#) / [SB 1442](#) AS
SUBSTITUTED BY GOVERNOR: Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a case management system and financial management system,

for related technology improvements, and requires that he permit an interface for the purpose of providing electronic information to state agencies, upon request of any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. Governor submitted his recommended substitute 3/30/09. Governor's substitute approved by House and Senate 4/8/09.

Structure Changes: Newly Introduced

[Louisiana HB 574](#) Authorizes the judges of any judicial district court, by rule adopted by a majority vote of the judges sitting en banc, to assign certain divisions or sections of the court to a specialized division or section having criminal, civil, drug court, driving while intoxicated court, mental health court, juvenile, violent crimes or homicides, or other division or section having specialized subject matter jurisdiction. Authorizes each district court by rule to designate a division as a mental health division and to assign offenses which the court finds are related to mental health issues to that division and authorizes each district court to establish a probation program to be administered by the presiding judge or judges thereof or by an employee designated by the court. In House Judiciary Committee.

Structure Changes: Floor and Committee Activity

[Georgia HB 495](#) Allows judges of the probate court to appoint associate judges of the probate court. Provides for the associate judges' authority, compensation, and qualifications. House approves with Senate amendments 3/30/09. To Governor for approval.

[North Carolina HB 666](#) Specifies DWI Courts as "drug courts". Approved by House Committee on Mental Health Reform 4/16/09.

[Oklahoma HB 1741](#) Authorizes district court to establish a family drug court for the purpose of treating children adjudicated as deprived and their families in cases where the parent, parents or legal guardian has a substance abuse disorder. Approved by full Senate 4/16/09.

[Oklahoma SB 609](#) Reduces Workers' Compensation Court from 10 to 7 judges. Requires judges be subject to Senate confirmation. Senate concurs with House amendments 4/15/09. To Governor for approval.

Jurisdiction: Newly Introduced

NONE

Jurisdiction: Floor and Committee Activity

[Maryland HB 399](#) Increases to \$50,000 from \$20,000 the jurisdiction of an orphans' court in the determination of questions of title to personal property. AMENDED: Same, but provides the jurisdiction limit change

applies prospectively. Approved as amended by full Senate 4/2/09. House concurred in Senate amendment 4/3/09.

[Maryland SB 468](#) Increasing from \$10,000 to \$20,000, the maximum amount in controversy in a civil action in which a party may not demand a jury trial. Rejected by House Judiciary Committee 4/13/09.

Salary and Budget: Newly Introduced

NONE

Salary and Budget: Floor and Committee Activity

[Arkansas HB 1671](#) Modifies salaries for various judicial officers throughout the state. House concurs with Senate amendment 4/9/09. To Governor for approval.

[Colorado HB 1288](#) Requires creation of searchable database for all state government revenues and expenditures, including those of courts. Approved by full House 4/16/09.

[Florida HB 1121](#) ORIGINAL: Transfers specified court-related services from clerk of court to state courts system, including case maintenance, records management, court preparation and attendance, assignment, reopening, and reassignment of cases, data collection and reporting and pro se assistance. Revises allocations of specified court fees. Provides for deposit of specified fees or portions of fees into State Courts Revenue Trust Fund. SUBSTITUTED: Directs Auditor General provide a report regarding the operation and relationship of the clerks of court and the courts to include who is performing each court-related

function and how each function is funded. Requires report list each court-related function, give a recommendation on who should perform the function, and a recommendation of how to pay for such function. Requires Auditor General develop a plan to study the funding and operations of the state courts system and the clerks of court performing court-related functions. Directs Technology Review Workgroup to identify and recommend options for implementing an integrated court/clerks computer system and prohibits clerks from purchasing new software but may purchase upgrades to existing software. Revises allocations of specified court fees. Mandates, rather than permitting, the pursuit of any unpaid fees, service charges, fines, court costs, and liens that are more than 90 days overdue. Subjects FCCOC budget state budgetary appropriations and clerks to the state's procurement process. Requires clerks budgets calculate the minimum amount of revenue necessary for each clerk to efficiently perform their court-related functions; prepare a cost comparison of similarly situated clerks of court, based on population and the number of filings, using a list of court-related functions provided. Requires FCCOC provide a summary listing of all clerks who have not met all performance measures and the specific measures that each clerk did not achieve. Repeals West's exclusive right to publish FL court cases. Allows Senate President and Speaker of the House to each name one member of the Florida Clerks of Court Operations Corporation. Approved as substituted by House Criminal & Civil Justice Appropriations Committee 4/13/09.

[Florida SB 2108](#) AMENDED: Requires the Florida Clerks of Court Operations Corporation (FCCOC) create performance measures and performance standards "in consultation with the Legislature and the Supreme Court" and allows the Legislature but NOT the Supreme Court to change the measures/standards. Requires FCCOC report to the Legislature and Supreme Court any clerk failing to meet the measures/standards. Requires clerks forward certain financial audit documents to the Supreme Court. Specifies what clerks must detail in terms of budget expenditures in four "core services": Case processing, Financial processing; Jury management and Information and reporting. Requires each clerk give financial data concerning his or her expenditures for court-related duties, including expenditures for court-related information technology, to the Governor for his "Transparency in Florida" website. Provides future clerks funding will be by state legislative appropriation, not through the present system where a statewide panel of clerks decide. Repeals West's exclusive right to publish FL court cases. Puts the Florida Clerks of Court Operations Corporation under the Justice Administrative Commission. Allows Chief Justice to name one of nine members of the Florida Clerks of Court Operations Corporation. Requires clerk receive "the advice and consent of the chief judge of the circuit" for office hours. Prohibits clerk from closing during customary weekday hours "without the consent of the chief judge of the circuit." Approved by full Senate 4/17/09.

[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 Senate 4/16/09.

[Hawaii HB 1536](#) Freezes the salaries of state office holders, including justices and judges of all state courts. Approved with House amendment by full House 4/14/09. Conference committee appointed.

[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. Approved as amended by House Judiciary Committee 4/14/09.

[Missouri SB 265](#) Extends deadline for collection of the statewide court automation fee from September 2009 to September 2013. Approved by House Rules Committee 4/14/09.

[Texas HB 765](#) Requires a commissioners court to pay a judge of a statutory probate court replacement benefit pay and longevity pay under the same conditions and in the same amount as a district judge is entitled to receive from the state. Approved by full House 4/15/09.

Other: Newly Introduced

[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. In House Judiciary Committee.

Other: Floor and Committee Activity

[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 Assembly Committee on Judiciary 4/14/09.

[Texas HB 890](#) Changes use of the term of office of judicial "master" to "associate judge". Approved by full House 4/15/09.

[Texas SB 1436](#) Allows judges to appeal censures by the State Commission on Judicial Conduct (currently, may only appeal sanctions). Approved by full Senate 4/16/09.

[Texas SB 2325](#) Requires confidentiality for the "discussions, thought processes, or individual votes" of members of the State Commission on Judicial Conduct or their employees and the identity of a confidential complainant or informant. Approved by Senate Committee on Jurisprudence 4/14/09.