

Gavel to Gavel

A review of state legislation affecting the courts

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Selection: Newly Introduced

[South Carolina HB 3954](#) Provides for the nonpartisan election of probate judges, court clerks, and other county officials. In House 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 Assembly Elections and Redistricting Committee 4/22/09.

[Missouri HJR 10 \(Constitutional Amendment\)](#) AS AMENDED: Increases from three to four the number of judicial candidates nominated by the Nonpartisan Judicial Commission for a vacancy in the office of judge of specified courts from which the Governor may make an appointment. Allows the Governor to veto the first list of candidates provided by the commission within 60 days. Provides the Governor must choose a candidate from a second list submitted by the commission

within 45 days or the commission is authorized to appoint one of the nominees from the second list. Changes the composition of nonpartisan judicial commissions. Appellate Judicial Commission: 1 Supreme Court justice, 3 members of the Missouri Bar, 4 citizens who are not members of the bar appointed by the Governor and confirmed by the Senate. Circuit Judicial Commissions: 1 chief judge of district, 2 members of the Missouri Bar, 3 citizens appointed by the Governor and confirmed by the Senate. Requires judicial process must favor openness and public access and that all hearings, debates, and votes of the commissions must be open to the public and press. Requires list of applicants for any judicial vacancy be open to the public and posted on the supreme court website. Requires all information provided to the nominating commissions be given to the Governor. Transfers approval of expenses from supreme court to office of administration. Approved by Senate Governmental Accountability and Fiscal Oversight Committee 4/16/09.

[Nevada AB 63](#) Authorizes the appointment of masters in justice courts to perform certain duties as approved by the Nevada Supreme Court. Requires 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 Assembly



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4/20/09.

[Oklahoma HJR 1041 \(Constitutional Amendment\)](#) ORIGINAL: Requires Senate confirmation of all judicial officers. AMENDED: Requires Senate confirmation of Workers Compensation judges only. Approved as amended by full Senate Judiciary Committee 4/21/09. To House for concurrence with Senate amendment.

[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. Approved as amended by full House 4/23/09. To Senate for concurrence with House amendment.

[Tennessee HB 1448](#) Raises number of words from 600 to 1,000 that a report from the judicial evaluation commission on each appellate judge may contain. Approved as amended by House Judiciary Committee 4/22/09.

[Tennessee HB 1892](#) Renames the "judicial 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 chose 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 chose from either panel. Approved as amended by House Judiciary Committee 4/22/09.

[Tennessee HB 2141](#) Reduces the size of the judicial commission to 15 members and changes the process for selecting those members: the speaker of each house would each appoint seven members to the commission and jointly appoint one member. Eliminates requirement hat the appointments to the commission approximate the population of the state with respect to race and gender. Vacates entire membership of the judicial commission. Requires the commission to submit to the governor a list containing the names of each applicant for the judicial vacancy and state next to the name whether that applicant is "highly qualified," "qualified," or "not qualified" for the judicial vacancy based on the commission's review of each applicant's qualifications for the position (currently commission sends top 3 names). Requires person chosen by governor be subject to senate confirmation. Requires judges seeking to be retained in office via retention election receive 60% of the vote rather than a simple majority. Revises the membership of the judicial evaluation commission, allowing speakers of each house to select whomever they wish (currently must select from names chose by lawyer groups). Approved by House Judiciary Committee 4/15/09.

[Texas HB 1359](#) Prohibits a person from knowingly making or authorizing a political contribution while in a courthouse. Approved by House Elections Committee 4/17/09.

[Texas HB 4060](#) Alters contribution period for support or opposition of state judicial candidates or officeholders. Approved as amended by House Elections Committee 4/9/09.

[Texas SB 1152](#) Prohibits a political contribution from being offered or accepted in Texas courthouses. Approved by full Senate 4/16/09.

[Texas SB 2226](#) Retains partisan judicial elections for initial terms. Replaces partisan re-elections with nonpartisan retention elections. Approved by Senate State Affairs Committee 4/17/09.

[Texas SJR 44 \(Constitutional Amendment\)](#) Retains partisan judicial elections for initial terms. Replaces partisan re-elections with nonpartisan retention elections. Approved by Senate State Affairs Committee 4/17/09.

Qualifications and Terms:

Newly Introduced

NONE

Qualifications and Terms: Floor and Committee Activity

[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 by full House 3/25/09.

[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 House Committee on Ways and Means 4/23/09.

[Tennessee SB 386](#) 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 Senate Finance, Ways and Means Committee 4/22/09.

[Texas HB 764](#) Prohibits judge who was reprimanded or censured or retire/resign while under investigation by the State Commission on Judicial Conduct from serving as a "visiting" judge. Requires visiting judges have served as a judge at least 96 months. Approved by full House 4/21/09.

[Texas HB 1793](#) Requires a judge who hears the cases of children charged with certain misdemeanor offenses punishable by fine only to annually complete two hours of training specifically related to child welfare and the federal Individuals with Disabilities Education Act. Approved by House Corrections Committee 4/9/09.

[Texas HB 3315](#) Clarifies the employment status of appointed statutory probate court associate judges when the appointing judge vacates office. Provides circumstances in which the associate judge may continue the administrative business of the court. Prohibits the associate judge from performing any judicial function until a successor judge is appointed or elected. Approved by House Committee on Judiciary & Civil Jurisprudence 4/15/09.

Rule Making Authority: Newly Introduced

NONE

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.

[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. Rejected by Assembly Judiciary Committee 4/21/09.

[Florida HB 369](#) Provides for chief judge of judicial circuit, subject to approval by Chief Justice, to establish program for retired justices or judges to preside over civil cases & trials upon written request of one or more parties and sets compensation levels.

Approved as substituted by House Full Appropriations Council on General Government & Health Care 4/20/09.

[Kansas SB 134](#) Grants supreme court authority to establish additional charges to court fees and filings charges, notwithstanding any provision of law to the contrary. Conference Committee report agreed to by full House and Senate 4/2/09. To Governor for approval.

[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 as amended by Assembly Judiciary Committee 4/20/09. Approved by full Assembly 4/21/09.

[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. Approved as amended by Senate Judiciary Committee 4/22/09.

[Texas HB 4068](#) Authorizes the content of local rules of judicial administration to provide for a coordinated response for the transaction of essential judicial functions in the event of a disaster. Authorizes the supreme court to suspend procedures for the conduct of any court proceeding affected by a disaster. Acknowledges the role of the judiciary in emergency preparedness. Approved by House Committee on Judiciary & Civil Jurisprudence 4/8/09.

[Texas HB 4314](#) 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. Approved by House Criminal Jurisprudence Committee 4/8/09.

[Texas SB 1070](#) Requires supreme court adopt rules to govern the use of the master jury list and the administration of jury panels. Approved by full Senate 4/22/09.

Structure Changes: Newly Introduced

[New York AB 7576 \(Constitutional Amendment\)](#) Allows a district court judge to temporarily serve as a family court judge in the judicial district of his or her residence. In Assembly Judiciary Committee.

Structure Changes: Floor and Committee Activity

[Illinois HB 3795](#) Requires the Chief Judge of each judicial circuit establish a drug court program (currently, they may establish such programs). Approved by full House 3/31/09.

[Nevada AB 102](#) Authorizes a court to establish a program for the treatment of problem gambling. Approved by Assembly Committee on Judiciary 4/16/09. Approved by full Assembly 4/17/09.

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

[Texas SB 112](#) Requires judges in county courts, statutory courts, and district courts trying criminal cases to establish deferred prosecution programs for military service members and veterans. Approved by Senate Committee on Criminal Justice 4/17/09.

[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 House 4/7/09. To Governor for approval.

Jurisdiction: Newly Introduced

[New York AB 7701](#) Increases the monetary civil jurisdiction of justice courts from \$3000 to \$6000. In Assembly Judiciary Committee.

Jurisdiction: Floor and Committee Activity

[California AB 126](#) Provides that a small claims court has jurisdiction over an action for an injunction or other equitable relief only when a statute expressly authorizes a small claims court to award that relief. Provides that nothing in existing small claims provisions is intended to expand, or to encourage the expansion of, the jurisdiction of the small claims court. Approved by Assembly Judiciary Committee 4/21/09.

[New Hampshire HB 281](#) 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. Approved by full House 4/8/09.

[Oklahoma SB 815](#) Increases small claims jurisdiction to \$25,000 from \$6,000. Approved as amended by full House 4/21/09. To Senate for concurrence with House amendment.

[Tennessee SB 1810](#) Creates a city court to be administered and presided over by a city

judge instead of authorizing the council in a modified city manager-council charter by ordinance to establish and provide for the administration of a city court. Approved by full House 4/20/09. To Governor for approval.

[Tennessee SB 2020](#) Creates a municipal court for any municipality that does not have such a court established by the general assembly. Approved by full House 4/20/09. To Governor for approval.

[Texas SB 992](#) Allows transfer of almost all cases between and among district courts, statutory county courts, county court, or justice courts, regardless of whether the court to which the case will be transferred has jurisdiction of the matter and provided that the court to which the case will be transferred agrees to the transfer. Grants district courts original jurisdiction over civil matter in excess of \$10,000. Extends statutory county court concurrent civil jurisdiction with the county court to \$200,000 from \$100,000. Restructures various trial courts. Approved by Senate Committee on Jurisprudence 4/20/09.

Salary and Budget: Newly Introduced

[Illinois HB 4437](#) Prohibits any increase in compensation based on a cost of living adjustment for all elected officials including judges. In House Rules Committee.

[Illinois HB 4438](#) Prohibits any increase in compensation based on a cost of living adjustment for all elected officials including judges. In House Rules Committee.

[Pennsylvania HB 1314](#) Provides for automatic cost of living increases tied to inflation for judges, subject to appropriations. In House State Government Committee.

Salary and Budget: Floor and Committee Activity

[Maryland HB 1348](#) Repeals a specified earnings offset of a retirement allowance for retired judges of the Judges' Retirement System who accept employment in which all or part of the compensation comes from municipal, county, or State funds. Approved with Senate amendments by full Senate 4/10/09.

[Maryland HB 37](#) Altering the computation of a retirement allowance for members or former members of the Judges' Retirement System who have 10 years of service credit and retire on disability under specified circumstances. Rejected by House Appropriations Committee 4/13/09.

[Minnesota SB 1627](#) Deletes provision allowing retired justice temporarily called back into service to receive full retirement pay and temporary salary. Alters numerous fees, fines and costs. Approved by Senate Finance Committee 4/20/09. Approved by full Senate 4/21/09.

[Missouri HB 187](#) Extends the expiration date of the Statewide Court Automation Fund fee from September 1, 2009, to September 1, 2019, and allows the Court Automation Committee to continue to function until September 1, 2021. Reclassifies all state court commissioners to associate circuit court judges after January 1, 2010. Allows drug court commissioners

to serve as family court commissioners if needed and available and appointed by a majority of the circuit court judges. Allows the required annual report of the Judicial Finance Commission to be combined with any other annual report prepared by the Missouri Supreme Court or the Office of State Courts Administrator if it is distributed to the required parties. Changes certain caseload reporting requirements for municipal and associate circuit court judges. Approved by full House 4/9/09.

[Missouri HB 237](#) Allows the supreme court to consolidate the annual report of the Judicial Finance Commission with the publication of any annual report prepared by the Supreme Court or the Office of State Court Administrator, as long as the consolidated report is distributed to the required parties. Allows municipal courts to create a fund to be used to pay for appointing attorneys for certain indigent defendants. Approved full Senate 4/22/09.

[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.

[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. Forwarded without recommendation by Assembly Judiciary Committee 4/17/09.

[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 Assembly Committee on Judiciary 4/16/09. Approved by full Assembly 4/17/09.

[New Hampshire HB 310](#) Establishes that judges and marital masters will be reimbursed for mileage to commute from their residences to their assigned courts only if the mileage is in excess of 50 miles each way. Approved by full House 4/8/09.

[North Carolina HB 1172](#) Authorizes Chief Justice to create a voluntary furlough program for judicial employees. Provides that employees would be entitled to the benefits provided to State employees. Approved by House State Government/State Personnel Committee 4/15/09.

[Oklahoma HB 1061](#) Permits the governing body of a municipality to enter into a contract with a debt collection agency to collect court debts. Approved with House amendment by full House 4/21/09.

[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. Approved by House Judiciary & Civil Jurisprudence Committee 4/22/09.

[Washington HB 1919](#) ORIGINAL: Provides funding from the criminal justice treatment account for the operation and administration of a drug court program. SUBSTITUTED: Allows up to ten percent of the funds provided to counties from the criminal justice treatment account to be used for the operation and administration of drug court programs, in addition to the use of such funds for treatment and support services for offenders. Removes the requirement of matching funds for state moneys provided to counties for drug court programs where the money is authorized for administration and operation of the drug court programs. Expires the authorization of money allocated from the account to operation and administration of drug court programs on June 30, 2013. Approved with Senate amendment by full Senate 4/17/09. House concurs with Senate amendment 4/21/09. To Governor for approval.

[Washington HB 2362](#) Establishes various temporary surcharges to the fees collected by the superior and district courts. Creates Judicial Stabilization Trust Account and directs surcharges be directed to that account for use subject to appropriation. Approved by House Ways and Means Committee 4/18/09. Approved by full House 4/20/09. Approved by Senate Ways & Means Committee 4/23/09.

[Washington SB 5277](#) Allows clerks, at the option of the district court, to collect fees for the various copying and certification services. Senate concurs with House amendments 4/18/09. To Governor for approval.

Other: Newly Introduced

[South Carolina HB 3943 \(Constitutional Amendment\)](#) Modifies the prohibition on public officers gambling or betting on games of chance. Provide an exception that allows participation in lotteries conducted by the State of South Carolina by most judges and other officeholders. Restriction would remain on supreme court and court of appeals judges and other specified officials. In House Judiciary Committee.

Other: Floor and Committee Activity

[Colorado HB 1316](#) Makes it a crime to post the personal information of a judge, magistrate, or prosecutor on the internet if the dissemination of the information poses an imminent and serious safety threat. Allows judge, magistrate or prosecutor to request public records containing their address or phone number be confidential. Approved by Senate Judiciary Committee 4/20/09.

[Connecticut HB 6545](#) Allows state managers in judiciary and other branches, excluding bureau heads, to bargain collectively. Approved by Joint Committee on Appropriations 4/23/09.

[Texas HB 598](#) Permits the drivers licenses of state and federal judges and their spouses to use their assigned courthouse rather than

their home address. Approved by full Senate Public Safety Committee 4/21/09.

[Texas SB 281](#) Requires confidentiality of the home address information of the spouses of federal judges and state judges. Approved by full Senate 4/21/09.

[Texas HB 1204](#) Authorizes a judge to request and receive assistance from members of the judge's staff and to use the judge's and staff's office equipment to prepare a response for the Commission on Judicial Conduct. Approved by House Committee on Judiciary & Civil Jurisprudence 4/8/09.