

Committee on Judiciary

CS/SB 828 — CS/SB 828 – Court System

by Judiciary Committee; and Senator Bradley

The bill repeals or modifies court-related statutes that are unnecessary or outdated. Statutes that are a duplication of provisions in Article V of the State Constitution are repealed as unnecessary. Statutes that unconstitutionally create additional requirements for a judicial office are repealed because they are likely in conflict with constitutional qualifications for office. Other statutes are amended or repealed to reflect current practices or eliminate outdated provisions.

One example of an unnecessary statute that is being repealed states that books for the Supreme Court's library may be acquired by purchase or exchange. It is unclear why that directive ever needed to be included in the statutes.

Similarly, provisions requiring the Supreme Court to appoint a clerk and marshal, directives that are already covered in the State Constitution, are repealed as unnecessary.

Three existing statutes require certain judges to live in specified counties in a judicial circuit. This restricts eligibility for the office beyond the requirements of the State Constitution. Accordingly, these provisions are being repealed because they are most likely unconstitutional.

An example of an outdated statute that is being repealed addresses an evidentiary issue involving receipts of a receiver of the United States Land Office. The land grant office appears to have closed in 1933 and the last appellate case under the statute was decided 100 years ago in 1914.

If approved by the Governor, these provisions take effect on July 1, 2014.

Vote: Senate 36-0; House 115-1