

Bill as Introduced

SB 437 - AS INTRODUCED

2010 SESSION

10-2863

09/01

SENATE BILL **437**

AN ACT relative to the authority of district court justices to issue emergency orders in any district court.

SPONSORS: Sen. Reynolds, Dist 2; Sen. Lasky, Dist 13; Sen. Houde, Dist 5; Sen. Roberge, Dist 9; Rep. Cote, Hills 23

COMMITTEE: Judiciary

ANALYSIS

This bill authorizes district court justices to issue emergency orders in any matter in any district court.

This bill was requested by the supreme court.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the authority of district court justices to issue emergency orders in any district court.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 District Courts; Powers of Other Justices. Amend RSA 502-A:5 to read as follows:

2 502-A:5 Powers of Other Justices.

3 I. If the justice and special justice of a district court are disqualified, disabled, otherwise
4 unable to sit, or in need of assistance, a disinterested justice or special justice from another district
5 court, attending upon assignment of the administrative judge of the district [~~and municipal~~] court or
6 upon written request of the justice, may hear and determine all cases brought before that justice and
7 issue final process therein, and he *or she* shall keep a record thereof, which shall be kept with and
8 constitute a part of the records of said court, all of which shall have like effects as if it were heard
9 and determined by the justice of said court.

10 II. *Notwithstanding the requirement in paragraph I for assignment by the*
11 *administrative judge of the district court, any district court justice may issue an emergency*
12 *order of relief in any matter in any district court without prior assignment by the*
13 *administrative judge.*

14 2 Effective Date. This act shall take effect upon its passage.

Amendments

House Judiciary
April 20, 2010
2010-1495h
01/09

Amendment to SB 437

1 Amend RSA 502-A:5, II as inserted by section 1 of the bill by replacing it with the following:

2

3 *II. Notwithstanding the requirement in paragraph I for assignment by the*
4 *administrative judge of the district court, any district court justice may issue an*
5 *emergency order of relief in any matter in any district court without prior assignment by*
6 *the administrative judge. An emergency order of relief is any order authorized by statute*
7 *to be considered or issued on an ex parte basis.*

Speakers

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SB 437

BILL TITLE: relative to the authority of district court justices to issue emergency orders in any district court.

DATE: March 17, 2010

LOB ROOM: 208 **Time Public Hearing Called to Order:** 10:05 a.m.

Time Adjourned: 10:15 a.m.

(please circle if present)

Committee Members: Reps. D. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith, and Mead.

Bill Sponsors: Sen. Reynolds, Dist 2; Sen. Lasky, Dist 13; Sen. Houde, Dist 5; Sen. Roberge, Dist 9; Rep. Cote, Hills 23

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. David Cote, introducing bill for Sen. Reynolds

Howard Libel, General Council to Supreme Court & Judicial Branch - supports Housekeeping bill. RSA-502-A: 5 covers the power to assign justices to other courts. An example of an emergency: domestic violence. This bill allows a judge sitting in a court other than his own to issue orders.

Rep. Robert Rowe: Paragraph 2, what is an emergency? Is that in the RSA? Ans. No definition. Example: search warrants. District courts cannot issue injunctive relief, so this bill does not deal with that. A list of emergencies in the bill would be limiting because it might not be inclusive enough. Q: Would you prepare a sentence with 'emergencies'?

Rep. Lucy Weber (Acting Chair): There may be other places in the statute that might reference emergencies and could be referred to.

Rep. Lawrence Perkins: Is this a current practice? Ans. No.

Rep. William Smith: Intent of Paragraph 2. Includes vacancies? Ans. Might also be used if sitting judge is busy with a trial, which may be allowed by Paragraph 1.

Rep. Brendan Browne: Ans. Sitting judges have this authority now.

Rep. Lucy Weber: Only applies to District Court judges.

Respectfully submitted,


Philip, Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

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Browne

Bill Sponsors: Sen. Reynolds, Dist 2; Sen. Lasky, Dist 13; Sen. Houde, Dist 5; Sen. Roberge, Dist 9; Rep. Cote, Hills 23

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

FROM: Rep. Philip Preston, Clerk
DATE: Public hearing March 17, 2010
SUBJECT: Meeting minutes on SB 437, relative to the authority of district court justices to issue emergency orders in any district court.

HB 437 10:05 am

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Howard Libel, General Council to Supreme Court & Judicial Branch - supports Housekeeping bill. RSA-502-A: 5 covers the power to assign justices to other courts. An example of an emergency: domestic violence. This bill allows a judge sitting in a court other than his own to issue orders.

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Rep. Brendan Browne: Ans. Sitting judges have this authority now,

Rep. Lucy Weber: Only applies to District Court judges. 10:15 am

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 437

BILL TITLE: relative to the authority of district court justices to issue emergency orders in any district court.

DATE: April 20, 2010

LOB ROOM: 208

Amendments:

Sponsor: Rep. House Judiciary OLS Document #: 2010 1495h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTPA ITL, Interim Study (Please circle one.)

Moved by Rep. Weber

Seconded by Rep. Wall

Vote: Voice Vote (Please attach record of roll call vote.)

Motions: OTP, OTPA ITL, Interim Study (Please circle one.)

Moved by Rep. Thompson

Seconded by Rep. Weber

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SB 437

BILL TITLE: relative to the authority of district court justices to issue emergency orders in any district court.

DATE: April 20, 2010

LOB ROOM: 208

Amendments:

Sponsor: Rep.

Thompson
Weber

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

Weber/Wall

OLS Document #:

14956 ✓ voice vote

Motions:

~~OTP~~ OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep.

Thompson

Seconded by Rep.

Weber

Vote: *17/0* (Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *yes*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk
Philip Preston

JUDICIARY

Bill #: SB 437 Title: _____

PH Date: ____/____/____

Exec Session Date: 4 / 20 / 10Motion: OTP/AAmendment #: 1495h

MEMBER	YEAS	NAYS
Cote, David E, Chairman	✓	
Wall, Janet G, V Chairman	✓	
Potter, Frances D	✓	
Hackel, Paul L	✓	
Preston, Philip, Clerk	✓	
Richardson, Gary B	✓	
Weber, Lucy M	✓	
Browne, Brendon S	✓	
Nixon, David L	—	
Thompson, Robert B	✓	
Watrous, Rick H	✓	
Rowe, Robert H	✓	
Elliott, Nancy J	✓	
DiFruscia, Anthony R	—	
Mead, Robert D	✓	
O'Brien, William L	✓	
Hagan, Joseph M	✓	
Perkins, Lawrence B	—	
Silva, Peter L	✓	
Smith, William B	✓	
TOTAL VOTE:	17 Y	0

Committee Report

CONSENT CALENDAR

April 21, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred SB437,
AN ACT relative to the authority of district court justices to
issue emergency orders in any district court. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill OUGHT
TO PASS WITH AMENDMENT.

Rep. Robert B Thompson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	SB437
Title:	relative to the authority of district court justices to issue emergency orders in any district court.
Date:	April 21, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill allows any district court justice to issue an emergency order of relief without the prior assignment by an administrative judge. The amendment defines what is considered an emergency to be covered by this legislation.

Vote 17-0.

Rep. Robert B Thompson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

SB437, relative to the authority of district court justices to issue emergency orders in any district court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert B Thompson for JUDICIARY. This bill allows any district court justice to issue an emergency order of relief without the prior assignment by an administrative judge. The amendment defines what is considered an emergency to be covered by this legislation. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: SB 4387

TITLE: relative to the authority of district court justices to issue emergency orders in any district court

DATE: 4/20/10 CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
2010-1495h

STATEMENT OF INTENT:

This bill allows any district court justice to issue an emergency order of relief without the prior assignment by an administrative judge. The amendment defines what is considered an emergency to be covered by this legislation.

COMMITTEE VOTE: 17-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Robert B. Romp
For the Committee

Handwritten initials/signature

Rep. Robert B. Thompson

SB 437

This bill allows any district court justice to issue an emergency order of relief without the prior assignment by an administrative judge. The amendment defines what is considered an emergency to be covered by this legislation.

OK - [Signature]