

Review process for proposals contain a provision to expedite, establish or adjust the priority of judicial proceedings

Proposing Committee of Jurisdiction should be prepared to answer the following questions:

1. What does the bill or amendment propose?
2. What is the problem the bill is trying to address?
3. Are there similar situations that are currently treated with the same priority? Are there similar situations that are treated differently?
4. Why is the standard docketing and scheduling not appropriate in this situation?
5. Does the proposed prioritization resolve the problem?
 - A. Would less restrictive provisions still meet the needs?
 - B. Can the court be given flexibility to address the needs as appropriate in each situation? Example: “The hearing may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.”

Judiciary Committee considerations:

1. Does Constitution or a federal law require priority?
If so, appropriate to assign high priority?
2. Has a full hearing already been provided?
If so, immediate needs may be met; review need for timely action and whether that must be directed in statute
3. Does the proposed statute affect any of the following:
 - A. Mental health laws affecting personal liberty and medical emergencies?
 - Personal liberty, constitutional issues: Higher priority
 - Corrections detentions (including pretrial and juvenile)
 - Mental health
 - B. Public health emergencies?
 - Public safety issues: Higher priority
 - C. Elections?
 - Timeliness: Higher priority

- D. Interstate uniform laws?
 - Review need for consistency and uniformity
- E. Domestic violence (protection from abuse)?
 - Personal safety: Higher priority
- F. Medical necessity?
 - May depend on the severity of the medical necessity and scope of application (e.g., individuals versus community)
- G. Family matters relating to child custody?
 - State's interest in resolving issues concerning children
- H. Evictions?
 - Need to address needs of tenants and landlords in timely manner
- I. Government functioning and enforcement of statutes?
 - May vary with the nature of the function and the need for enforcement; may include the need to maintain integrity of the law
- J. Actions taken on an ex parte basis?
 - These actions typically are created to address emergency situations by definition necessitating immediate court involvement: High priority for first step, then full hearing on both sides of controversy

JOINT RULE 318

Rule 318. Review of judicial proceeding priorities.

Whenever a legislative measure is proposed that contains a provision to expedite, establish or adjust the priority of judicial proceedings, the joint standing committee of the Legislature having jurisdiction over the proposal shall hold a public meeting on the proposal and determine the level of support for the proposal among members of the committee. If there is support for the proposal among a majority of the members of the committee, the committee shall request the joint standing committee of the Legislature having jurisdiction over judiciary matters to review and evaluate the proposal as it pertains to the appropriate priority and timing of judicial proceedings in all state courts. Information may be requested from the Judicial Branch. The joint standing committee of the Legislature having jurisdiction over judiciary matters shall conduct the review and report back to the committee of jurisdiction.

