

Model Political Subdivision Court Registration Act

Introductory Note:

This “Model Political Subdivision Court Registration Act” is offered for the consideration of each State and U.S. Territory to assure that the State’s highest ranking judicial officer, the State Court Administrator, or both are kept apprised, on a regular basis, of every court operating within the State’s borders with the authority to levy fines, assess fees, or impose incarceration. The Courts and adjudicative bodies that would be affected by this Model Act include courts of general jurisdiction as well as courts of limited jurisdiction, including municipal courts, county courts, traffic courts, mayor courts, village courts, justices of the peace, and similar entities. Courts or other adjudicative bodies that lack the authority to levy fines, assess fees, or impose incarceration would not be covered by this Model Act.

Language enclosed in brackets is intended to provide alternative formulations of words or to express concepts rather than precise verbiage in order to leave room for individual States to tailor the provisions to their own circumstances. For example, “[State Court of Last Resort]” is intended as a placeholder for “Supreme Court” or “Court of Appeals” or “Supreme Judicial Court” or any other variation on this theme. Similarly, “[ninety] days” could be recast by an individual State as any time period, 30 days, 60 days, 120 days, etc. The default choice was “ninety” days, except in Section 4(a)(2), where “thirty” was chosen to reflect that a shorter period of time would be appropriate given the different information required for registration by a Court as opposed to registration by a Political Subdivision. The Political Subdivision could give 90 days’ advance notice before a newly created Court commences operations, whereas the Court might not know that far in advance the names of the judges who will serve on the court (thus a shorter period for registration before commencement of operations would seem reasonable). Bracketed language may also be included as optional supplementary language, such as the phrase “[or is planned to be in operation within a [24]-month period]” in Section 2(a).

1 **SEC. 1. SHORT TITLE.** – This statute shall be known as the “Political Subdivision
2 Court Registration Act.”

3 **SEC. 2. DEFINITIONS.** – Except as otherwise specifically provided in this Court
4 Registration Act, for purposes hereof the following definitions shall apply:

5 (a) “COURT.” – The term “Court” means any non-federal adjudicative body
6 or entity, however denominated (including without limitation any court of general
7 jurisdiction, court of limited jurisdiction, county court, municipal court, traffic
8 court, [mayor court], [village court] [justice of the peace]), that is in operation [or
9 is planned to be in operation within a [24]-month period] within any Political
10 Subdivision and that is empowered by law to levy fines, assess fees, or order
11 imprisonment in connection with misdemeanors or infractions (including without
12 limitation traffic-related offenses).

13 (b) “JOINT COURT.” – The term “Joint Court” means any Court established
14 by two or more Political Subdivisions pursuant to Section 4(b) of this Act.

15 (c) “POLITICAL SUBDIVISION” means, for purposes of this Act, any county,
16 city, district, municipality, town, village, or similar entity within this State, whether
17 incorporated or unincorporated.

18 **SEC. 3. ESTABLISHMENT OF REGISTRY.** – The State Court Administrator shall
19 establish a registry of Courts subject to this Act. The registry shall include all
20 information required to be provided by Political Subdivisions and Courts to the
21 State Court Administrator under this Act and such other information as the State
22 Court Administrator may, in his or her discretion, prescribe.

23 **SEC. 4. REQUIRED REGISTRATION. –**

24 (a) (1) BY POLITICAL SUBDIVISION. – Not less frequently than [annually]
25 [biennially] [other periodicity], each Political Subdivision shall submit to the State
26 Court Administrator, with a required copy to the [Chief Justice/Chief Judge] of the
27 [State Court of Last Resort], a registration providing the name of each Court
28 (whether established under this Act or otherwise) operating within its borders, the
29 Court’s address (or addresses, if the Court operates at more than one location), and
30 such other information as may be required on a form and in a format (hard copy,
31 electronic filing, or otherwise) prescribed by the State Court Administrator. In the
32 event of a newly formed Court, such form shall be submitted to the State Court
33 Administrator no later than [ninety] days prior to the date such newly formed Court
34 begins operations.

35 (2) BY COURT. – Not less frequently than [annually] [biennially] [other
36 periodicity], the presiding or administrative judge of each Court shall submit to the
37 State Court Administrator, with a required copy to the [Chief Justice/Chief Judge]
38 of the [State Court of Last Resort], a registration providing the name, address (or
39 addresses, if the Court operates at more than one location) of the Court, the number
40 of judges authorized to be on the Court, how they are selected, the duration of their
41 terms of office, whether judges are full-time or part-time, the name and e-mail
42 address of each judge serving on the court, the minimum qualifications (if any) for
43 a person to serve as a judge of the Court, the nature of and limitations (if any) on
44 its jurisdiction, whether jury trials are conducted, the maximum amount of fines (if
45 any) the Court can impose, the maximum term of imprisonment (if any) the Court
46 can impose, the source(s) of the Court’s funding, and such other information as
47 may be required on a form and in a format (hard copy, electronic filing, or
48 otherwise) prescribed by the State Court Administrator. In the event of a newly
49 formed Court, such form shall be submitted to the State Court Administrator no

50 later than [thirty] days prior to the date such newly formed Court begins
51 operations.

52 (b) JOINT COURTS PERMITTED. – Except as otherwise provided by law, two
53 or more Political Subdivisions may enter into an agreement sharing a single Joint
54 Court with jurisdiction over persons residing and events occurring within any of
55 the Political Subdivision parties to such agreement and providing for the
56 administration of such Joint Court. A copy of each agreement establishing a Joint
57 Court shall be filed with the State Court Administrator [, with a required copy to
58 the [Chief Justice/Chief Judge] of the [State Court of Last Resort]].

59 (c) DISCONTINUATION OF COURT. – If for any reason a Court should cease
60 to exist, the Political Subdivision shall [promptly] [within _____ days] thereafter
61 transmit notice thereof, by such means as shall be prescribed by the State Court
62 Administrator, to the State Court Administrator, the [Chief Justice/Chief Judge] of
63 the [State Court of Last Resort], and the presiding judge of every Court within the
64 Political Subdivision).