



# House of Representatives

General Assembly

**File No. 21**

January Session, 2003

Substitute House Bill No. 5355

*House of Representatives, March 14, 2003*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (a) to (d), inclusive, of section 51-44a of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2003*):

4 (a) There is established a Judicial Selection Commission comprised  
5 of twelve members. Two persons shall be appointed from each  
6 congressional district, one of whom shall be an attorney-at-law and  
7 one of whom shall not be an attorney-at-law, and two persons shall be  
8 appointed on an at-large basis, one of whom shall be an attorney-at-  
9 law and one of whom shall not be an attorney-at-law. Not more than  
10 six of the members shall belong to the same political party. None of the  
11 members shall be an elected or appointed official of the state or hold  
12 state-wide office in a political party.

13 (b) The members of the commission shall be appointed as follows:  
14 (1) The Governor shall appoint six members, one from each  
15 congressional district and one at-large member, who shall be  
16 attorneys-at-law; (2) the president pro tempore of the Senate and the  
17 speaker of the House of Representatives shall each appoint one  
18 member who shall not be an attorney-at-law; (3) the majority leader of  
19 the Senate and the majority leader of the House of Representatives  
20 shall each appoint one member who shall not be an attorney-at-law;  
21 and (4) the minority leader of the Senate and the minority leader of the  
22 House of Representatives shall each appoint one member, who shall  
23 not be an attorney-at-law.

24 (c) The members of the commission shall elect a [chairman]  
25 chairperson from among the members appointed by the Governor.

26 [(d) (1) The members first appointed by the Governor prior to June  
27 22, 1989, shall complete their terms of office. Of the members  
28 appointed by the Governor for terms commencing November 20, 1992,  
29 two members shall serve for a term of one year, two members shall  
30 serve for a term of two years and two members shall serve for a term  
31 of three years. Thereafter, the members of the commission so  
32 appointed shall serve for terms of three years. At the expiration of the  
33 terms of the members appointed for terms commencing November 20,  
34 1992, such members shall be eligible for appointment to a consecutive  
35 term.

36 (2) The terms of office of the members first appointed by the  
37 legislative leaders prior to June 22, 1989, shall expire on September 30,  
38 1989. Such members shall be eligible for appointment to a term  
39 commencing October 1, 1989. Of the members whose terms commence  
40 October 1, 1989, the president pro tempore of the Senate and the  
41 speaker of the House of Representatives shall each appoint one  
42 member for a term of three years; the majority leader of the Senate and  
43 the majority leader of the House of Representatives shall each appoint  
44 one member for a term of one year; and the minority leader of the  
45 Senate and the minority leader of the House of Representatives shall

46 each appoint one member for a term of two years. Thereafter, the  
47 members so appointed shall serve for terms of three years.]

48 ~~[(3)] (d) The members of the commission shall serve for terms of~~  
49 ~~three years. Members serving on the effective date of this section shall~~  
50 ~~continue to serve as members until the end of their terms and until~~  
51 ~~their successors are appointed and have qualified.~~ Any vacancy in the  
52 membership of the commission shall be filled for the unexpired  
53 portion of the term by the appointing authority. The members of the  
54 commission shall receive no compensation for their services but shall  
55 be reimbursed for any necessary expenses incurred in the performance  
56 of their duties. [Except as provided in subdivisions (1) and (2) of this  
57 subsection, no] No member of the commission may serve consecutive  
58 terms, and if [a] such member is an attorney, no member of [his] the  
59 commission member's firm may serve a term consecutive to such  
60 commission member.

61 Sec. 2. Subsection (l) of section 51-44a of the general statutes is  
62 repealed and the following is substituted in lieu thereof (*Effective*  
63 *October 1, 2003*):

64 (l) No member of the commission who is an attorney-at-law shall be  
65 considered for recommendation to the Governor for nomination as a  
66 judge during [his] such member's tenure on the commission or for a  
67 period of [two years] one year following the termination of [his] such  
68 member's tenure on the commission.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Judicial Selection Com.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill's changes to the composition of the Judicial Selection Commission have no fiscal impact because members of the commission are not compensated.

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**OLR Bill Analysis**

sHB-5355

**AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION****SUMMARY:**

This bill requires two members of the Judicial Selection Commission (JSC) to be appointed from the state at-large. It retains the current requirement that two members be appointed from each of the state's Congressional districts. Since the state lost a district, the bill adjusts the commission's composition to reflect that loss while maintaining the JSC as a 12-member body.

As under current law, the governor appoints six members, who must be attorneys. The bill makes one of these appointments an at-large appointment. As under current law, the legislative leaders appoint the remaining six members. The bill makes one an at-large appointment.

The bill allows JSC members serving on October 1, 2003 to continue until their terms end and their successors are appointed and qualified.

The bill reduces, from two years to one, the amount of time that a commission member who is an attorney must wait after leaving the commission to be considered for nomination as a judge.

The bill also repeals an obsolete provision.

EFFECTIVE DATE: October 1, 2003

**BACKGROUND*****Judicial Selection Commission***

The JSC seeks, evaluates, and furnishes the governor with a list of qualified candidates for nomination as new judges. It also must evaluate and make recommendations to him about re-nominating sitting judges to the same or different state courts for successive terms.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40    Nay 0