



Substitute Senate Bill No. 1189

Public Act No. 05-114

**AN ACT CONCERNING THE JUDICIAL REVIEW COUNCIL AND
THE INDEMNIFICATION AND REPRESENTATION OF STATE
OFFICERS AND EMPLOYEES.**

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

Section 1. Subsection (b) of section 51-51l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(b) The [council] Judicial Review Council shall, not later than three business days after the termination of such investigation, notify the complainant, if any, and the judge, compensation commissioner or family support magistrate that the investigation has been terminated and the results thereof. If the council finds that conduct under section 51-51i has not occurred, but the judge, compensation commissioner or family support magistrate has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial or magisterial practice, the council may issue an admonishment to the judge, compensation commissioner or family support magistrate recommending a change in judicial or magisterial conduct or practice. If an admonishment is issued, the council shall (1) notify the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary that an admonishment was issued and

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provide said committee with the substance of the admonishment, including copies of the complaint file, and (2) inform the complainant, if any, that an admonishment was issued [, provided] if the admonishment is the result of misconduct alleged in the complaint. [and] Except as provided in subdivision (1) of this subsection, the substance of the admonishment shall not be disclosed to any person or organization.

Sec. 2. Section 51-51q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) (1) The Judicial Review Council shall submit its recommendations concerning the nomination for appointment to a different court of any judge or nomination for reappointment of any judge whose term of office is about to expire, including a report of any complaint filed against any such judge and the disposition of any such complaint, and including any investigation of any such judge by the council, to the Governor, to the Judicial Selection Commission and to the [standing committee on judiciary of the House of Representatives and the standing committee on judiciary of the Senate, or joint standing committee on judiciary, as the case may be] joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, provided the Judicial Selection Commission shall not consider any investigation of the Judicial Review Council which resulted in the exoneration of a judge. [The]

(2) In addition to the information required to be submitted under subdivision (1) of this subsection, the Judicial Review Council shall make all complaint files concerning any such judge available to the [chairmen and ranking members of the standing committee on judiciary of the House of Representatives, the standing committee on judiciary of the Senate, or the joint standing committee on judiciary, as the case may be] joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

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Notwithstanding any provision of the general statutes, if the disposition of a complaint filed against any such judge involved the issuance of an admonishment to or the public censure or suspension of such judge, (A) no information pertaining to the complaint and the investigation and disposition of such complaint may be removed, redacted or otherwise withheld by the Judicial Review Council prior to making such complaint files available to said committee as required by this subdivision, and (B) the Judicial Review Council shall provide to said committee any information, including, but not limited to, any confidential information, in its possession concerning such judge that may be requested in writing by the cochairpersons of said committee. Such information shall be provided to said committee not later than three business days following the date the request is received by the Judicial Review Council. Any confidential information provided to said committee as required by this subdivision shall not be further disclosed to any person or organization.

(3) If the Judicial Review Council has reason to believe any such judge is guilty of [judicial] conduct under section 51-51i, material neglect of duty or incompetence in the conduct of his office, it may refuse to recommend such judge for nomination for appointment to a different court or for reappointment. The Judicial Review Council shall not recommend a judge for nomination for appointment to a different court or for reappointment if the council finds such judge has wilfully violated section 51-39a or has been convicted of a felony or of a misdemeanor involving moral turpitude.

(b) The Judicial Review Council shall submit its recommendations concerning the reappointment of any family support magistrate whose term of office is about to expire, including a report of any investigation of any such magistrate by the council, to the Governor.

(c) The Judicial Review Council shall submit its recommendations concerning the nomination for reappointment of any compensation

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commissioner whose term of office is about to expire, including a report of any investigation of such compensation commissioner by the council, to the Governor and to the [standing committee on judiciary of the House of Representatives and the standing committee on judiciary of the Senate, or the joint standing committee on judiciary, as the case may be] joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. The Judicial Review Council shall provide information to said committee concerning any complaint filed against such compensation commissioner and the investigation and disposition of such complaint, including, but not limited to, confidential information, in the same manner and subject to the same requirements as information provided under subdivisions (1) and (2) of subsection (a) of this section.

(d) If a complaint against any such judge, compensation commissioner or family support magistrate is received by the Judicial Review Council and the Judicial Review Council is unable to make its findings and complete its duties with respect to such judge, compensation commissioner or family support magistrate prior to the expiration of the term of office of such judge, compensation commissioner or family support magistrate, the Judicial Review Council shall not refuse to recommend such judge, compensation commissioner or family support magistrate for reappointment based on such complaint, but shall report the fact of such complaint to the Governor and to the joint standing committee [on judiciary] of the General Assembly having cognizance of matters relating to the judiciary.

Sec. 3. Section 5-141d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The state shall save harmless and indemnify any state officer or employee, as defined in section 4-141, and any member of the Public Defender Services Commission from financial loss and expense arising

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out of any claim, demand, suit or judgment by reason of his alleged negligence or alleged deprivation of any person's civil rights or other act or omission resulting in damage or injury, if the officer, employee or member is found to have been acting in the discharge of his duties or within the scope of his employment and such act or omission is found not to have been wanton, reckless or malicious.

(b) The state, through the Attorney General, shall provide for the defense of any such state officer, employee or member in any civil action or proceeding in any state or federal court arising out of any alleged act, omission or deprivation which occurred or is alleged to have occurred while the officer, employee or member was acting in the discharge of his duties or in the scope of his employment, except that the state shall not be required to provide for such a defense whenever the Attorney General, based on his investigation of the facts and circumstances of the case, determines that it would be inappropriate to do so and he so notifies the officer, employee or member in writing.

(c) Legal fees and costs incurred as a result of the retention by any such officer, employee or member of an attorney to defend his interests in any such civil action or proceeding shall be borne by the state only in those cases where (1) the Attorney General has stated in writing to the officer, employee or member, pursuant to subsection (b) of this section, that the state will not provide an attorney to defend the interests of the officer, employee or member, and (2) the officer, employee or member is thereafter found to have acted in the discharge of his duties or in the scope of his employment, and not to have acted wantonly, recklessly or maliciously. Such legal fees and costs incurred by [a state] such officer, [or] employee or member shall be paid to [the] such officer, [or] employee or member only after the final disposition of the suit, claim or demand and only in such amounts as shall be determined by the Attorney General to be reasonable. In determining whether such amounts are reasonable, the Attorney General may

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consider whether it was appropriate for a group of officers, employees or members to be represented by the same counsel.

(d) Such officer, employee or member may bring an action in the Superior Court against the state to enforce the provisions of this section.

[(d)] (e) The provisions of this section shall not be applicable to any [state] such officer, [or] employee or member to the extent he has a right to indemnification under any other section of the general statutes.

Approved June 24, 2005