



House of Representatives

General Assembly

File No. 657

January Session, 2007

Substitute House Bill No. 7429

House of Representatives, April 30, 2007

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 JUDICIAL BRANCH OPENNESS.

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

1 Section 1. Section 51-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) There is established a Judicial Selection Commission comprised
4 of twelve members. Six of the members shall be attorneys-at-law and
5 six of the members shall not be attorneys-at-law. Not more than six of
6 the members shall belong to the same political party. None of the
7 members shall be an elected or appointed official of the state or hold
8 state-wide office in a political party.

9 (b) The members of the commission shall be appointed as follows:
10 The Governor shall appoint six members, one from each congressional
11 district and one at-large member, three of whom shall be attorneys-at-
12 law and three of whom shall not be attorneys-at-law; the president pro
13 tempore of the Senate shall appoint one member who shall be an
14 attorney-at-law; the speaker of the House of Representatives shall

15 appoint one member who shall not be an attorney-at-law; the majority
16 leader of the Senate shall appoint one member who shall not be an
17 attorney-at-law; the majority leader of the House of Representatives
18 shall appoint one member who shall be an attorney-at-law; the
19 minority leader of the Senate shall appoint one member who shall not
20 be an attorney-at-law; and the minority leader of the House of
21 Representatives shall appoint one member who shall be an attorney-at-
22 law.

23 (c) The members of the commission shall elect a chairperson from
24 among the members appointed by the Governor.

25 (d) (1) The members of the commission shall serve for terms of three
26 years.

27 (2) Members appointed on or after June 26, 2003, shall serve for
28 terms of three years and, notwithstanding the provisions of section 4-1,
29 until their successors are appointed and have qualified or ninety days
30 after the completion of their terms, whichever is earlier.

31 (3) Members serving on June 26, 2003, shall continue to serve as
32 members until the end of their terms and, notwithstanding the
33 provisions of section 4-1, until their successors are appointed and have
34 qualified or ninety days after the completion of their terms, whichever
35 is earlier, except that members serving on June 26, 2003, who have
36 completed their terms and are serving until their successors are
37 appointed and have qualified shall, notwithstanding the provisions of
38 section 4-1, continue to serve until their successors are appointed and
39 have qualified, but not later than January 1, 2004.

40 (4) Any vacancy in the membership of the commission shall be filled
41 for the unexpired portion of the term by the appointing authority. The
42 members of the commission shall receive no compensation for their
43 services but shall be reimbursed for any necessary expenses incurred
44 in the performance of their duties.

45 (5) No member of the commission may serve consecutive terms,

46 except that if, on or after June 26, 2003, a person is appointed a
47 member of the commission to fill a vacancy and complete an
48 unexpired term, such person may serve an additional term. If a
49 commission member is an attorney, no member of the commission
50 member's firm may serve a term consecutive to such commission
51 member.

52 (e) The commission shall evaluate incumbent judges who seek
53 reappointment to the same court, and incumbent state referees who
54 seek reappointment, and shall forward to the Governor for
55 consideration the names of incumbent judges and state referees who
56 are recommended for reappointment as provided in this subsection.
57 The commission shall adopt regulations, in accordance with the
58 provisions of chapter 54, concerning criteria by which to evaluate
59 incumbent judges who seek reappointment to the same court [;
60 provided pending adoption of such regulations, the commission shall
61 use criteria established prior to June 22, 1989, for the evaluation of such
62 judges] and incumbent state referees who seek reappointment. In
63 evaluating the reappointment of an incumbent judge or state referee,
64 the commission shall consider the legal ability, competence, integrity,
65 character and temperament of such judge or state referee and any
66 other relevant information concerning such judge or state referee.
67 There shall be a presumption that each incumbent judge who seeks
68 reappointment to the same court qualifies for retention in judicial
69 office. The burden of rebutting such presumption shall be on the
70 commission. Such presumption shall not apply to incumbent state
71 referees who seek reappointment. The commission shall investigate
72 and interview each incumbent judge and state referee who seeks
73 reappointment and, prior to the expiration of a term of office of such
74 judge or state referee, shall recommend such incumbent judge or state
75 referee for nomination for reappointment by the Governor [to the same
76 court] unless, as provided in this subsection, recommendation of such
77 judge or state referee is denied. If a preliminary examination indicates
78 further inquiry is necessary before a recommendation of
79 reappointment may be made, the commission shall hold a hearing
80 concerning the reappointment of such judge or state referee. The

81 commission shall send notice to the judge or state referee by certified
82 or registered mail, return receipt requested, not less than one hundred
83 eighty days prior to the convening of such legislative session which is
84 to consider the reappointment of the incumbent judge or state referee,
85 (A) that a hearing by the commission on such reappointment shall be
86 held and of the time, date and place of such hearing, which shall be not
87 less than thirty days [nor] or more than forty-five days after the date of
88 such notice, and (B) of specific claims made against the judge or state
89 referee. The commission shall make a record of all hearings conducted
90 pursuant to this subsection. The hearing may be open to the public at
91 the request of the judge or state referee. For the purposes of
92 conducting a hearing under this subsection, not less than ten members
93 of the commission shall be present and voting. A judge or state referee
94 appearing before such a hearing shall be entitled to counsel, to present
95 evidence and to cross-examine witnesses who appear voluntarily. No
96 judge or state referee shall be required to sign or execute any release in
97 order to proceed with the hearing. The commission shall, not later than
98 twenty days after the close of such hearing, render its decision whether
99 it shall recommend such incumbent judge or state referee for
100 nomination for reappointment by the Governor. Any affirmative vote
101 of a majority plus one of the members present and voting shall be
102 required to deny recommendation to the Governor for nomination of
103 an incumbent judge to the same court or an incumbent state referee. A
104 judge or state referee who has not received approval by the
105 commission may, within ten days after receipt of the notice of decision,
106 which shall include a record of the numerical vote, request a rehearing
107 on the grounds that the conclusions of the commission are contrary to
108 the evidence presented at the hearing or the commission failed to
109 comply with the procedural or substantive requirements of this
110 section. The decision of the commission shall be final. There shall be no
111 right of appeal by any judge or state referee appearing before the
112 commission, at law or in equity, or any resort to any court following
113 the decision of the commission.

114 (f) Except as provided in subsection (e) of this section, the
115 commission shall seek qualified candidates for consideration by the

116 Governor for nomination as judges for the Superior Court, Appellate
117 Court and Supreme Court. The commission shall adopt regulations, in
118 accordance with the provisions of chapter 54, concerning criteria by
119 which to evaluate the qualifications of candidates, including
120 incumbent judges who seek appointment to a different court. The
121 commission shall investigate and interview the candidates, including
122 incumbent judges seeking appointment to a different court. A list of
123 such qualified candidates shall be compiled by the commission. Such
124 list shall be confidential and not open to the public or subject to
125 disclosure, except that the names of qualified candidates for the
126 position of associate judge or Chief Justice of the Supreme Court shall
127 be available to the public.

128 (g) The commission shall establish and maintain an Internet web
129 site. The commission shall post on the web site the address and
130 telephone number of the commission's office, the electronic mail
131 address for the commission and information concerning the duties and
132 procedures of the commission. Such information shall include, but not
133 be limited to, the procedure for filing an application to become a judge
134 of the Superior Court, Appellate Court or Supreme Court and a copy
135 of the application form.

136 (h) The commission shall give notice of the time and place of its
137 meetings, and make the agendas for such meetings available to the
138 public, in accordance with the provisions of chapter 14, except that an
139 agenda made available to the public shall not contain any personally
140 identifiable information that might identify candidates, incumbent
141 judges seeking appointment to the same court or appointment to a
142 different court or incumbent state referees seeking reappointment. The
143 commission shall post such notices and agendas on its Internet web
144 site and provide such notices and agendas to the cochairpersons of the
145 joint standing committee of the General Assembly having cognizance
146 of matters relating to the judiciary.

147 [(g)] (i) In connection with any inquiry concerning the
148 reappointment of an incumbent judge or state referee, the commission

149 shall have the power to issue subpoenas requiring the attendance of
150 witnesses and the production of any books or papers which in the
151 judgment of the commission are relevant to the inquiry. The
152 commission may, upon request of the judge or state referee whose
153 reappointment is at issue, issue a subpoena on behalf of such judge or
154 state referee. If any person disobeys such process or, having appeared
155 in obedience thereto, refuses to answer any pertinent question put to
156 [him] such person by the commission [,] or to produce any books and
157 papers pursuant thereto, the commission, on its own behalf or on
158 behalf of the judge or state referee, may apply to the superior court for
159 the judicial district of Hartford setting forth such disobedience to
160 process or refusal to answer, and [said] the court may cite such person
161 to appear before [said] the court to answer such question or to produce
162 such books and papers and, upon [his] such person's refusal so to do,
163 shall commit [him] such person to a community correctional center,
164 there to remain until [he] such person so testifies.

165 [(h)] (j) (1) Judges of all courts, except those courts to which judges
166 are elected, shall be nominated by the Governor exclusively from the
167 list of candidates or incumbent judges submitted by the Judicial
168 Selection Commission. Any candidate or incumbent judge who is
169 nominated from such list by the Governor to be Chief Justice of the
170 Supreme Court, and who is appointed Chief Justice by the General
171 Assembly, shall serve a term of eight years from the date of
172 appointment. The Governor shall nominate a candidate for a vacancy
173 in a judicial position within forty-five days of the date the Governor
174 receives the recommendations of the commission. When considering
175 the nomination of an incumbent judge for reappointment to the same
176 court, the Governor may nominate the incumbent judge if the
177 commission did not deny recommendation for reappointment.
178 Whenever an incumbent judge is denied recommendation for
179 reappointment to the same court by the commission or is
180 recommended by the commission but not nominated by the Governor
181 for reappointment to the same court, or whenever a vacancy in a
182 judicial position occurs or is anticipated, the Governor shall choose a
183 nominee from the list of candidates compiled pursuant to subsection

184 (f) of this section.

185 (2) Notwithstanding the provisions of subdivision (1) of this
186 subsection and subsection (f) of this section, the Governor may
187 nominate an associate judge of the Supreme Court to be Chief Justice
188 of the Supreme Court without such judge being investigated and
189 interviewed by the commission and being on the list of qualified
190 candidates compiled and submitted to the Governor by the
191 commission. An associate judge of the Supreme Court who has been
192 nominated by the Governor to be Chief Justice of the Supreme Court in
193 accordance with this subdivision, and who is appointed Chief Justice
194 by the General Assembly, shall serve an initial term as Chief Justice
195 equal to the remainder of such judge's term as an associate judge of the
196 Supreme Court.

197 (3) When considering the nomination of an incumbent state referee
198 for reappointment, the Governor may nominate the incumbent state
199 referee if the commission did not deny recommendation for
200 reappointment.

201 [(i)] (k) A majority of the membership of the commission shall
202 constitute a quorum. The affirmative vote of at least a majority of the
203 members of the commission present and voting shall be required for
204 any action by the commission, except (1) an affirmative vote of at least
205 a majority plus one of the members present and voting shall be
206 required for a new nominee to be recommended to the Governor for
207 nomination as a judge or for an incumbent judge to be recommended
208 to the Governor for nomination as a judge to a different court, and (2)
209 an affirmative vote of a majority plus one of the members present and
210 voting shall be required to deny recommendation to the Governor for
211 nomination of an incumbent judge to the same court or for nomination
212 of a state referee for reappointment. No vote of the commission on a
213 new nominee shall be by secret ballot. The vote of the commission on
214 an incumbent judge or state referee may be by secret ballot.

215 [(j)] (l) Except as provided in subsections (e), [and (m)] (f), (h) and
216 (o) of this section, the investigations, deliberations, files and records of

217 the commission shall be confidential and shall not be open to the
218 public or subject to disclosure, except that the criteria by which
219 candidates, [or] incumbent judges who seek reappointment to the
220 same court or appointment to a different court or incumbent state
221 referees who seek reappointment are evaluated and the procedural
222 rules adopted by the commission shall be public.

223 [(k)] (m) The commission may employ such staff as is necessary for
224 the performance of its functions and duties.

225 [(l)] (n) No member of the commission who is an attorney-at-law
226 shall be considered for recommendation to the Governor for
227 nomination as a judge during [his] such member's tenure on the
228 commission or for a period of two years following the termination of
229 [his] such member's tenure on the commission.

230 [(m)] (o) In January of each year, the chairperson of the commission
231 shall report to the joint standing committee [on] of the General
232 Assembly having cognizance of matters relating to the judiciary the
233 following information: (1) The number of candidates interviewed for
234 appointment as new nominees, the number of incumbent judges
235 interviewed for reappointment to the same court, [and] the number of
236 incumbent judges interviewed for appointment to a different court and
237 the number of incumbent state referees interviewed for reappointment,
238 (2) the number of candidates who were recommended and denied
239 recommendation to the Governor as new nominees, the number of
240 incumbent judges recommended and denied recommendation for
241 appointment to the same court, [and] the number of incumbent judges
242 recommended and denied recommendation for appointment to a
243 different court and the number of incumbent state referees
244 recommended and denied recommendation for reappointment, and (3)
245 the statistics regarding the race, gender, national origin, religion and
246 years of experience as members of the bar of all such candidates.

247 [(n)] (p) The commission [shall have the power to] may enter into
248 such contractual agreements as may be necessary for the discharge of
249 its duties concerning the investigation of candidates seeking

250 appointment to a judicial position, [and] incumbent judges seeking
251 reappointment to the same court or appointment to a different court
252 and incumbent state referees seeking reappointment, within the limits
253 of appropriated funds and in accordance with established procedures.

254 Sec. 2. Subsection (a) of section 51-50l of the general statutes is
255 repealed and the following is substituted in lieu thereof (*Effective*
256 *October 1, 2007*):

257 (a) Each senior judge who ceases to hold office as a senior judge
258 because of having reached the age of seventy years and who is an
259 elector and a resident of this state shall be a state referee for the
260 remainder of [his] such senior judge's term of office as a judge and
261 shall be eligible for appointment as a state referee during the
262 remainder of [his] such senior judge's life in the manner prescribed by
263 law for the appointment of a judge of the court of which [he] such
264 senior judge is a member, subject to the provisions of section 51-44a, as
265 amended by this act.

266 Sec. 3. Subsection (a) of section 52-434 of the general statutes is
267 repealed and the following is substituted in lieu thereof (*Effective*
268 *October 1, 2007*):

269 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
270 Court, each judge of the Superior Court and each judge of the Court of
271 Common Pleas who ceases or has ceased to hold office because of
272 retirement, other than under the provisions of section 51-49, and who
273 is an elector and a resident of this state shall be a state referee for the
274 remainder of such judge's term of office as a judge and shall be eligible
275 for appointment as a state referee during the remainder of such judge's
276 life in the manner prescribed by law for the appointment of a judge of
277 the court of which such judge is a member, subject to the provisions of
278 section 51-44a, as amended by this act. The Superior Court may refer
279 any civil [,] nonjury case or with the written consent of the parties or
280 their attorneys, any civil jury case pending before the court in which
281 the issues have been closed to a judge trial referee who shall have and
282 exercise the powers of the Superior Court in respect to trial, judgment

283 and appeal in the case, and any proceeding resulting from a demand
284 for a trial de novo pursuant to subsection (e) of section 52-549z may be
285 referred without the consent of the parties to a judge trial referee who
286 has been specifically designated to hear such proceedings pursuant to
287 subsection (b) of this section. The Superior Court may, with the
288 consent of the parties or their attorneys, refer any criminal case to a
289 judge trial referee who shall have and exercise the powers of the
290 Superior Court in respect to trial, judgment, sentencing and appeal in
291 the case, except that the Superior Court may, without the consent of
292 the parties or their attorneys, (A) refer any criminal case, other than a
293 criminal jury trial, to a judge trial referee assigned to a geographical
294 area criminal court session, and (B) refer any criminal case, other than
295 a class A or B felony or capital felony, to a judge trial referee to preside
296 over the jury selection process and any voir dire examination
297 conducted in such case, unless good cause is shown not to refer.

298 (2) Each judge of the Circuit Court who has ceased to hold office
299 because of retirement, other than under the provisions of section 51-49,
300 and who is an elector and a resident of this state shall be a state referee
301 for the remainder of such judge's term of office as a judge and shall be
302 eligible for appointment as a state referee during the remainder of such
303 judge's life in the manner prescribed by law for the appointment of a
304 judge of the court of which such judge is a member, subject to the
305 provisions of section 51-44a, as amended by this act, to whom the
306 Superior Court may, with the written consent of the parties or their
307 attorneys, refer any case pending in court in which the issues have
308 been closed and which the judges of the Superior Court may establish
309 by rule to be the kind of case which may be heard by such referees
310 who have been appointed judge trial referees pursuant to subsection
311 (b) of this section. The judge trial referee shall hear any such case so
312 referred and report the facts to the court by which the case was
313 referred.

314 (3) Each judge of the Juvenile Court who ceases or has ceased to
315 hold office because of retirement, other than under the provisions of
316 section 51-49, and who is an elector and a resident of this state shall be

317 a state referee for the remainder of such judge's term of office as a
318 judge and shall be eligible for appointment as a state referee during the
319 remainder of such judge's life in the manner prescribed by law for the
320 appointment of a judge of the court of which such judge is a member,
321 subject to the provisions of section 51-44a, as amended by this act, to
322 whom a judge before whom any juvenile matter is pending may, with
323 the written consent of the child concerned, either of such child's
324 parents, or such child's guardian or attorney, refer any juvenile matter
325 pending, provided such referee has been appointed a judge trial
326 referee specifically designated to hear juvenile cases pursuant to
327 subsection (b) of this section. The judge trial referee shall hear any
328 matter so referred and report the facts to the court for the district from
329 which the matter was referred.

330 (4) In addition to the judge trial referees who are appointed
331 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
332 Justice may appoint, from qualified members of the bar of the state,
333 who are electors and residents of this state, as many state referees as
334 the Chief Justice may from time to time deem advisable or necessary.
335 No appointment of a member of the bar may be for a term of more
336 than three years. Notwithstanding the provisions of subsection (f) of
337 this section, state referees appointed by the Chief Justice from
338 members of the bar shall receive such reasonable compensation and
339 expenses as may be determined by the Chief Justice. The Superior
340 Court may appoint a state referee pursuant to this subdivision to take
341 such evidence as it directs in any civil [] nonjury case including, but
342 not limited to, appeals under section 8-8. Any such state referee shall
343 report on such evidence to the court with any findings of fact. The
344 report shall constitute a part of the proceeding upon which the
345 determination of the court shall be made.

346 Sec. 4. Section 51-51k of the general statutes is repealed and the
347 following is substituted in lieu thereof (*Effective October 1, 2007*):

348 (a) There is hereby established a Judicial Review Council to be
349 composed of the following members: (1) Three judges of the Superior

350 Court, who are not also judges of the Supreme Court, who shall be
351 appointed by the Governor, from a list of six judges selected by the
352 members of the Superior Court, with the approval of the General
353 Assembly, (2) three attorneys-at-law admitted to practice in this state,
354 who shall be appointed by the Governor with the approval of the
355 General Assembly, (3) six persons who are not judges or attorneys-at-
356 law, who shall be appointed by the Governor with the approval of the
357 General Assembly, and (4) thirteen alternate members who shall be
358 appointed by the Governor with the approval of the General
359 Assembly, as follows: (A) Two judges of the Superior Court who are
360 not also judges of the Supreme Court, from a list of four judges
361 selected by the members of the Superior Court, (B) two attorneys-at-
362 law admitted to practice in this state, (C) three persons who are not
363 judges or attorneys-at-law, (D) three compensation commissioners and
364 (E) three family support magistrates.

365 (b) An alternate member who is a judge, attorney-at-law or person
366 who is not a judge or attorney-at-law shall serve at probable cause
367 hearings and public hearings in lieu of a member who is a judge,
368 attorney-at-law or person who is not a judge or attorney-at-law,
369 respectively, when such member is absent or disqualified, as
370 designated by the executive director of the council. An alternate
371 member who is a compensation commissioner shall serve as a member
372 of the council in lieu of one of the members who is a judge of the
373 Superior Court, as designated by the executive director, when the
374 subject of a complaint or investigation is a compensation
375 commissioner. An alternate member who is a family support
376 magistrate shall serve as a member of the council in lieu of one of the
377 members who is a judge of the Superior Court, as designated by the
378 executive director, when the subject of a complaint or investigation is a
379 family support magistrate. An alternate member shall have the same
380 power as the member he or she is temporarily replacing during the
381 absence or disqualification of the member.

382 (c) On and after December 1, 1992, members shall be appointed in
383 accordance with subsection (a) as follows: One judge shall be

384 appointed for a term of two years, one judge shall be appointed for a
385 term of three years and one judge shall be appointed for a term of four
386 years; one attorney shall be appointed for a term of two years, one
387 attorney shall be appointed for a term of three years and one attorney
388 shall be appointed for a term of four years; two lay members shall be
389 appointed for terms of two years, two lay members shall be appointed
390 for terms of three years, and two lay members shall be appointed for
391 terms of four years. Thereafter members shall serve for terms of four
392 years. Members may continue in office until a successor is appointed
393 and qualified. No member appointed on or after December 1, 1992,
394 may serve consecutive terms, and if the member is an attorney, no
395 member of his or her firm may serve a term consecutive to such
396 member, provided no member may serve for more than two terms.
397 Vacancies on the council shall be filled for the unexpired portion of
398 any term in the same manner as the original appointment. Any
399 member who is a judge, family support magistrate or compensation
400 commissioner and retires from full-time active service as a judge,
401 family support magistrate or compensation commissioner shall
402 automatically cease to be a member of the council, and a vacancy shall
403 be deemed to occur. Alternate members shall be appointed for terms of
404 three years and shall not serve consecutive terms as alternate
405 members.

406 (d) No member of the council, except a judge, family support
407 magistrate or compensation commissioner, may hold any elected or
408 appointed position with compensation within the state or United
409 States, or be a selectman or chief executive officer of any municipality,
410 or a full or part-time employee of the Judicial Department or Workers'
411 Compensation Commission, or a member of a national or state central
412 committee, or a chairperson of any political party.

413 (e) (1) The Judicial Review Council shall employ an executive
414 director, a full-time attorney and such other staff as is necessary for the
415 performance of its functions and duties.

416 (2) The executive director may investigate any complaint filed

417 pursuant to section 51-51l, as amended by this act, and present
418 evidence obtained pursuant to any such investigation to the council.

419 (f) The Judicial Review Council shall develop a concise brochure
420 written in plain language to provide the public with information
421 concerning the purpose, authority, jurisdiction and process of the
422 Judicial Review Council. The council shall distribute the brochure to all
423 court administrative offices and to any person who files a complaint
424 pursuant to section 51-51l.

425 (g) The Judicial Review Council shall establish and maintain an
426 Internet web site. The council shall post on the web site the address
427 and telephone number of the council's office, the electronic mail
428 address for the council and information concerning the purpose,
429 authority, jurisdiction and process of the council. Such information
430 shall include, but not be limited to, the procedure for filing a complaint
431 against a judge, compensation commissioner or family support
432 magistrate, a copy of the complaint form, the statutory grounds for the
433 censure, suspension or removal from office of a judge, compensation
434 commissioner or family support magistrate, the code of judicial
435 conduct or a link thereto, relevant statutory and regulatory provisions
436 or a link thereto, the process of investigating and disposing of
437 complaints and the dispositions available to the council.
438 Notwithstanding the availability of the complaint form on the web site,
439 no complaint may be filed electronically. The judicial branch web site
440 shall include a link to the Judicial Review Council web site under the
441 heading "Complaints against Judges".

442 (h) The council shall give notice of the time and place of its
443 meetings, and make the agendas for such meetings available to the
444 public, in accordance with the provisions of chapter 14 except that an
445 agenda made available to the public shall not contain any personally
446 identifiable information that might identify the respondent unless the
447 meeting takes place after the council has found that probable cause
448 exists that the respondent is guilty of conduct under section 51-51i. The
449 council shall post such notices and agendas on its Internet web site and

450 provide such notices and agendas to the cochairpersons of the joint
451 standing committee of the General Assembly having cognizance of
452 matters relating to the judiciary.

453 (i) Upon the request of any person subject to the provisions of this
454 chapter and the concurring vote of a majority of the members of the
455 council present and voting, the council shall issue advisory opinions
456 with regard to whether conduct contemplated by such person would
457 be conduct under section 51-51i that could subject such person to
458 admonishment, censure, suspension or removal from office under this
459 chapter. The council shall publish such advisory opinions in the
460 Connecticut Law Journal. Advisory opinions rendered by the council,
461 until amended or revoked, shall be binding on the council and shall be
462 deemed to be final decisions of the council for purposes of appeal to
463 the Supreme Court. The Supreme Court shall uphold the decision of
464 the council in issuing the advisory opinion unless it finds that the
465 decision was arbitrary, capricious or characterized by abuse of
466 discretion or clearly unwarranted exercise of discretion. Any advisory
467 opinion concerning any person subject to the provisions of this chapter
468 who requested the opinion and who acted in reliance thereon, in good
469 faith, shall be binding upon the council, and it shall be an absolute
470 defense in any proceeding brought under the provisions of this chapter
471 that the respondent acted in reliance upon such advisory opinion.

472 [(g)] (j) The Judicial Review Council shall submit to the Governor,
473 the Judicial Department, the joint standing committee of the General
474 Assembly having cognizance of matters relating to the Judicial Review
475 Council, and the judges of the Superior Court annually on or before
476 September first, a report of its activities for the previous fiscal year,
477 including the number of complaints received and the number of each
478 type of complaint disposition, including the number of dismissals, the
479 number of admonishments and the number of cases in which probable
480 cause was found.

481 [(h)] (k) The Commissioner of Public Works shall provide the
482 Judicial Review Council office space for the conduct of duties of the

483 council.

484 [(i)] (l) The Judicial Review Council shall adopt regulations, in
485 accordance with the provisions of chapter 54, to establish rules and
486 procedures for the council in the discharge of its duties under this
487 chapter and to provide standards for the identification of and
488 procedures for the treatment of conflicts of interest for council
489 members, which standards shall require that any professional or
490 ethical codes of conduct shall apply to any professional member of the
491 council subject to such codes of conduct.

492 Sec. 5. Section 51-51l of the general statutes is repealed and the
493 following is substituted in lieu thereof (*Effective October 1, 2007*):

494 (a) Except as provided in subsection [(d)] (e) of this section, the
495 Judicial Review Council shall investigate every written complaint
496 brought before it alleging conduct under section 51-51i, and may
497 initiate an investigation of any judge, compensation commissioner or
498 family support magistrate if (1) the council has reason to believe
499 conduct under section 51-51i has occurred, or (2) previous complaints
500 indicate a pattern of behavior which would lead to a reasonable belief
501 that conduct under section 51-51i has occurred. The council shall, not
502 later than five days after such initiation of an investigation or receipt of
503 such complaint, notify by registered or certified mail any judge,
504 compensation commissioner or family support magistrate under
505 investigation or against whom such complaint is filed. A copy of any
506 such complaint shall accompany such notice. The council shall also
507 notify the complainant of its receipt of such complaint not later than
508 five days thereafter. Any investigation to determine whether or not
509 there is probable cause that conduct under section 51-51i has occurred
510 shall be confidential and any individual called by the council for the
511 purpose of providing information shall not disclose [his] such
512 individual's knowledge of such investigation to a third party prior to
513 the decision of the council on whether probable cause exists, unless the
514 respondent requests that such investigation and disclosure be open,
515 [provided] except that information known or obtained independently

516 of any such investigation shall not be confidential and the complainant
517 may disclose that he or she has filed a complaint against a judge,
518 compensation commissioner or family support magistrate. The judge,
519 compensation commissioner or family support magistrate shall have
520 the right to appear and be heard and to offer any information which
521 may tend to clear [him] such judge, compensation commissioner or
522 family support magistrate of probable cause to believe he or she is
523 guilty of conduct under section 51-51i. The judge, compensation
524 commissioner or family support magistrate shall also have the right to
525 be represented by legal counsel and examine and cross-examine
526 witnesses. In conducting its investigation under this subsection, the
527 council may request that a court furnish to the council a record or
528 transcript of court proceedings made or prepared by a court reporter,
529 assistant court reporter or monitor and the court shall, upon such
530 request, furnish such record or transcript.

531 (b) The Judicial Review Council shall, not later than three business
532 days after the termination of such investigation, notify the
533 complainant, if any, and the judge, compensation commissioner or
534 family support magistrate that the investigation has been terminated
535 and the results thereof. If the council finds that conduct under section
536 51-51i has not occurred, but the judge, compensation commissioner or
537 family support magistrate has acted in a manner which gives the
538 appearance of impropriety or constitutes an unfavorable judicial or
539 magisterial practice, the council may issue an admonishment to the
540 judge, compensation commissioner or family support magistrate
541 recommending a change in judicial or magisterial conduct or practice.
542 If an admonishment is issued, the council shall (1) notify the joint
543 standing committee of the General Assembly having cognizance of
544 matters relating to the judiciary that an admonishment was issued and
545 provide said committee with the substance of the admonishment,
546 including copies of the complaint file, and (2) inform the complainant,
547 if any, that an admonishment was issued if the admonishment is the
548 result of misconduct alleged in the complaint. [Except as provided in
549 subdivision (1) of this subsection, the] The substance of the
550 admonishment shall [not be disclosed to any person or organization]

551 be a matter of public record.

552 (c) If a preliminary investigation indicates that probable cause exists
553 that the judge, compensation commissioner or family support
554 magistrate is guilty of conduct under section 51-51i, the investigatory
555 records of the council including any complaint, transcripts of
556 evidentiary proceedings, statements and other documentary evidence
557 obtained or compiled during the investigation shall be open for public
558 inspection except that any information that would be exempt from
559 disclosure under subsection (b) of section 1-210 shall be removed or
560 redacted.

561 ~~[(c)]~~ (d) If a preliminary investigation indicates that probable cause
562 exists that the judge, compensation commissioner or family support
563 magistrate is guilty of conduct under section 51-51i, the council shall
564 hold a hearing concerning the conduct or complaint. [All hearings held
565 pursuant to this subsection shall be open.] A judge, compensation
566 commissioner or family support magistrate appearing before such a
567 hearing shall be entitled to counsel, to present evidence and to cross-
568 examine witnesses. The council shall make a record of all proceedings
569 pursuant to this subsection. After all evidence and arguments have
570 been presented at such hearing, the council shall determine whether
571 the judge, compensation commissioner or family support magistrate is
572 guilty of conduct under section 51-51i. The council shall not later than
573 thirty days after the close of such hearing publish its findings together
574 with a memorandum of its reasons therefor. All proceedings of the
575 council held pursuant to this subsection, including all hearings and
576 meetings and the deliberations of the council in making its findings,
577 shall be open to the public.

578 ~~[(d)]~~ (e) No complaint against a judge, compensation commissioner
579 or family support magistrate alleging conduct under section 51-51i
580 shall be brought under this section but within one year from the date
581 the alleged conduct occurred or was discovered or in the exercise of
582 reasonable care should have been discovered, except that no such
583 complaint may be brought more than three years from the date the

584 alleged conduct occurred.

585 [(e)] (f) Notwithstanding the provisions of subsections (a) and (b) of
586 this section, the council shall disclose any information concerning
587 complaints received by the council on and after January 1, 1978,
588 investigations, and disposition of such complaints to the legislative
589 program review and investigations committee when requested by the
590 committee in the course of its functions, in writing and upon a
591 majority vote of the committee, provided no names or other
592 identifying information shall be disclosed.

593 [(f)] (g) On and after December 19, 1991, any judge, compensation
594 commissioner or family support magistrate who has been the subject
595 of an investigation by the Judicial Review Council as a result of a
596 complaint brought before [such] the council may request that such
597 complaint, investigation and the disposition of such complaint be open
598 to public inspection.

599 [(g)] (h) Whenever a complaint against a judge, compensation
600 commissioner or family support magistrate is pending before the
601 Judicial Review Council within the final year of the term of office of
602 such judge, compensation commissioner or family support magistrate,
603 the Judicial Review Council shall designate such complaint as
604 privileged and shall conduct an expedited investigation and hearing so
605 that its duties with respect to such complaint are completed in
606 sufficient time to enable the Judicial Review Council to make its
607 recommendation concerning any such judge to the Judicial Selection
608 Commission and the Governor under section 51-51q in a timely
609 manner.

610 Sec. 6. Subsection (a) of section 51-51m of the general statutes is
611 repealed and the following is substituted in lieu thereof (*Effective*
612 *October 1, 2007*):

613 (a) The Judicial Review Council may take any action upon a
614 majority vote of its members present and voting, except that twelve
615 members of the Judicial Review Council shall constitute a quorum for

616 any action to publicly censure a judge, compensation commissioner or
617 family support magistrate, suspend a judge, compensation
618 commissioner or family support magistrate for any period, refer the
619 matter to the Supreme Court with a recommendation that a judge or
620 family support magistrate be suspended for a period longer than one
621 year, [or] refer the matter to the Supreme Court with a
622 recommendation that a judge or family support magistrate be removed
623 from office or to the Governor with a recommendation that a
624 compensation commissioner be removed from office or impose a civil
625 penalty on a judge, compensation commissioner or family support
626 magistrate and the concurring vote of seven of such members shall be
627 required.

628 Sec. 7. Subsection (a) of section 51-51n of the general statutes is
629 repealed and the following is substituted in lieu thereof (*Effective*
630 *October 1, 2007*):

631 (a) The Judicial Review Council may, after a hearing pursuant to
632 subsection [(c)] (d) of section 51-51l, as amended by this act, (1)
633 publicly censure the judge, compensation commissioner or family
634 support magistrate, (2) suspend the judge, compensation
635 commissioner or family support magistrate for a definite term not to
636 exceed one year, (3) refer the matter to the Supreme Court with a
637 recommendation that the judge or family support magistrate be
638 suspended for a period longer than one year, (4) refer the matter to the
639 Supreme Court with a recommendation that the judge or family
640 support magistrate be removed from office or to the Governor with a
641 recommendation that the compensation commissioner be removed
642 from office, or (5) exonerate the judge, compensation commissioner or
643 family support magistrate of all charges. In addition to imposing
644 discipline under subdivision (1) or (2) of this subsection, the council
645 may impose a civil penalty of not more than ten thousand dollars per
646 violation.

647 Sec. 8. Section 51-51q of the general statutes is repealed and the
648 following is substituted in lieu thereof (*Effective October 1, 2007*):

649 (a) (1) [The] Whenever a judge is nominated for appointment to a
650 different court or for reappointment, the Judicial Review Council shall
651 submit [its recommendations concerning the nomination for
652 appointment to a different court of any judge or nomination for
653 reappointment of any judge whose term of office is about to expire,
654 including] a report of any complaint filed against [any] such judge and
655 the disposition of any such complaint, [and] including any
656 investigation of any such judge by the council, to the Governor, to the
657 Judicial Selection Commission and to the joint standing committee of
658 the General Assembly having cognizance of matters relating to the
659 judiciary, provided the Judicial Selection Commission shall not
660 consider any investigation of the Judicial Review Council which
661 resulted in the exoneration of a judge.

662 (2) In addition to the information required to be submitted under
663 subdivision (1) of this subsection, the Judicial Review Council shall
664 make all complaint files concerning any such judge available to the
665 joint standing committee of the General Assembly having cognizance
666 of matters relating to the judiciary. Notwithstanding any provision of
667 the general statutes, if the disposition of a complaint filed against any
668 such judge involved the issuance of an admonishment to or the public
669 censure or suspension of such judge, (A) no information pertaining to
670 the complaint and the investigation and disposition of such complaint
671 may be removed, redacted or otherwise withheld by the Judicial
672 Review Council prior to making such complaint files available to said
673 committee as required by this subdivision, and (B) the Judicial Review
674 Council shall provide to said committee any information, including,
675 but not limited to, any confidential information, in its possession
676 concerning such judge that may be requested in writing by the
677 cochairpersons of said committee. Such information shall be provided
678 to said committee not later than three business days following the date
679 the request is received by the Judicial Review Council. Any
680 confidential information provided to said committee as required by
681 this subdivision shall not be further disclosed to any person or
682 organization.

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

692 (b) The Judicial Review Council shall submit [its recommendations
693 concerning the reappointment of any family support magistrate whose
694 term of office is about to expire, including] a report of any complaint
695 filed against any family support magistrate whose term of office is
696 about to expire and the disposition of any such complaint, including
697 any investigation of any such magistrate by the council, to the
698 Governor.

699 (c) The Judicial Review Council shall submit [its recommendations
700 concerning the nomination for reappointment of any compensation
701 commissioner whose term of office is about to expire, including a
702 report of] any complaint filed against any compensation commissioner
703 whose term of office is about to expire and the disposition of such
704 complaint, including any investigation of such compensation
705 commissioner by the council, to the Governor and to the joint standing
706 committee of the General Assembly having cognizance of matters
707 relating to the judiciary. The Judicial Review Council shall provide
708 information to said committee concerning any complaint filed against
709 such compensation commissioner and the investigation and
710 disposition of such complaint, including, but not limited to,
711 confidential information, in the same manner and subject to the same
712 requirements as information provided under subdivisions (1) and (2)
713 of subsection (a) of this section.

714 (d) If a complaint against any such judge, compensation
715 commissioner or family support magistrate is received by the Judicial

716 Review Council and the Judicial Review Council is unable to make its
717 findings and complete its duties with respect to such judge,
718 compensation commissioner or family support magistrate prior to the
719 expiration of the term of office of such judge, compensation
720 commissioner or family support magistrate, the Judicial Review
721 Council [shall not refuse to recommend such judge, compensation
722 commissioner or family support magistrate for reappointment based
723 on such complaint, but] shall report the fact of such complaint to the
724 Governor and to the joint standing committee of the General Assembly
725 having cognizance of matters relating to the judiciary.

726 Sec. 9. Section 51-51r of the general statutes is repealed and the
727 following is substituted in lieu thereof (*Effective October 1, 2007*):

728 Any judge or family support magistrate aggrieved by any decision
729 of the Judicial Review Council may appeal the decision to the Supreme
730 Court in accordance with such procedure for the appeal as the
731 Supreme Court shall adopt by rule. In reviewing the factual findings
732 of the council, the Supreme Court shall ascertain whether there was
733 substantial evidence to support those findings and in reviewing the
734 legal conclusions of the council, the Supreme Court shall conduct a de
735 novo review.

736 Sec. 10. (NEW) (*Effective July 1, 2007*) (a) On and after the effective
737 date of this section, the Chief Justice of the Supreme Court shall
738 nominate for appointment by the General Assembly a Chief Court
739 Administrator. The Chief Court Administrator shall serve at the
740 pleasure of the Chief Justice and for a term coterminous with the term
741 of the Chief Justice. If the Chief Court Administrator is a judge of the
742 Superior Court, Appellate Court or Supreme Court, cessation of his or
743 her service as Chief Court Administrator shall not affect his or her
744 term as judge of the Superior Court, Appellate Court or Supreme
745 Court.

746 (b) A nomination made by the Chief Justice to the General Assembly
747 for appointment of a Chief Court Administrator shall be referred,
748 without debate, to the committee on the judiciary, which shall report

749 thereon within thirty legislative days from the time of reference, but no
750 later than seven legislative days before the adjourning of the General
751 Assembly.

752 (c) No vacancy in the position of Chief Court Administrator shall be
753 filled by the Chief Justice when the General Assembly is not in session
754 unless, prior to such filling, the Chief Justice submits the name of the
755 proposed vacancy appointee to the committee on the judiciary. Within
756 forty-five days, the committee on the judiciary may, upon the call of
757 either chairperson, hold a special meeting for the purpose of
758 approving or disapproving such proposed vacancy appointee by
759 majority vote. The proposed vacancy appointee shall not begin service
760 as Chief Court Administrator until the committee has approved such
761 proposed vacancy appointee. If the committee determines that it
762 cannot complete its investigation and act on such proposed vacancy
763 appointee within such forty-five-day period, it may extend such period
764 by an additional fifteen days. The committee shall notify the Chief
765 Justice in writing of any such extension. Failure of the committee to act
766 on such proposed vacancy appointee within such forty-five-day period
767 or any fifteen-day extension period shall be deemed to be an approval.

768 Sec. 11. Section 51-1b of the general statutes is repealed and the
769 following is substituted in lieu thereof (*Effective July 1, 2007*):

770 [(a)] The Chief Justice of the Supreme Court shall be the head of the
771 Judicial Department and shall be responsible for its administration.

772 [(b) The Chief Justice shall appoint a Chief Court Administrator
773 who shall serve at the pleasure of the Chief Justice.]

774 Sec. 12. Section 45a-74 of the general statutes is repealed and the
775 following is substituted in lieu thereof (*Effective July 1, 2007*):

776 [(a) There shall be a Probate Court Administrator who shall be
777 appointed from among the judges of the several courts of probate by
778 the Chief Justice of the Supreme Court to serve at his pleasure. If the
779 Probate Court Administrator is unable by reason of sickness, absence

780 or other disability to perform the duties of his office, or if there is a
781 vacancy in the office of Probate Court Administrator, the Chief Justice
782 shall designate another judge of a court of probate to act in his stead
783 until he resumes his duties or until a new Probate Court Administrator
784 is appointed.]

785 (a) On and after the effective date of this section, the Chief Justice of
786 the Supreme Court shall nominate for appointment by the General
787 Assembly a Probate Court Administrator. The Probate Court
788 Administrator shall serve at the pleasure of the Chief Justice and for a
789 term coterminous with the term of the Chief Justice. If the Probate
790 Court Administrator is a judge of probate, cessation of his or her
791 service as Probate Court Administrator shall not affect his or her term
792 as judge of probate.

793 (b) The Probate Court Administrator shall devote full time to the
794 duties of [his] the office except that he or she may serve as a judge of
795 probate but shall not engage in the private practice of law. Any
796 Probate Court Administrator who ceases to serve as a judge of probate
797 may continue to serve as Probate Court Administrator at the pleasure
798 of the Chief Justice.

799 (c) A nomination made by the Chief Justice to the General Assembly
800 for appointment of a Probate Court Administrator shall be referred,
801 without debate, to the committee on the judiciary, which shall report
802 thereon within thirty legislative days from the time of reference, but no
803 later than seven legislative days before the adjourning of the General
804 Assembly.

805 (d) No vacancy in the position of Probate Court Administrator shall
806 be filled by the Chief Justice when the General Assembly is not in
807 session unless, prior to such filling, the Chief Justice submits the name
808 of the proposed vacancy appointee to the committee on the judiciary.
809 Within forty-five days, the committee on the judiciary may, upon the
810 call of either chairperson, hold a special meeting for the purpose of
811 approving or disapproving such proposed vacancy appointee by
812 majority vote. The proposed vacancy appointee shall not begin service

813 as Probate Court Administrator until the committee has approved such
814 proposed vacancy appointee. If the committee determines that it
815 cannot complete its investigation and act on such proposed vacancy
816 appointee within such forty-five-day period, it may extend such period
817 by an additional fifteen days. The committee shall notify the Chief
818 Justice in writing of any such extension. Failure of the committee to act
819 on such proposed vacancy appointee within such forty-five-day period
820 or any fifteen-day extension period shall be deemed to be an approval.

821 Sec. 13. Subsection (h) of section 46b-231 of the general statutes is
822 repealed and the following is substituted in lieu thereof (*Effective July*
823 *1, 2007*):

824 [(h) (1) On and after April 1, 2002, the Chief Family Support
825 Magistrate shall receive a salary of one hundred eight thousand eight
826 hundred twenty-one dollars, and other family support magistrates
827 shall receive an annual salary of one hundred three thousand five
828 hundred sixty-nine dollars.

829 (2) On and after January 1, 2005, the Chief Family Support
830 Magistrate shall receive a salary of one hundred fourteen thousand
831 eight hundred six dollars, and other family support magistrates shall
832 receive an annual salary of one hundred nine thousand two hundred
833 sixty-five dollars.

834 (3) On and after January 1, 2006, the Chief Family Support
835 Magistrate shall receive a salary of one hundred twenty-one thousand
836 one hundred twenty dollars, and other family support magistrates
837 shall receive an annual salary of one hundred fifteen thousand two
838 hundred seventy-five dollars.]

839 [(4)] (h) (1) On and after January 1, 2007, and subject to the
840 provisions of subdivision (2) of this subsection, the Chief Family
841 Support Magistrate shall receive [a] an annual salary of one hundred
842 twenty-seven thousand seven hundred eighty-two dollars, and other
843 family support magistrates shall receive an annual salary of one
844 hundred twenty-one thousand six hundred fifteen dollars.

845 (2) On July 1, 2007, and on July first of each year thereafter, the
846 salary for the Chief Family Support Magistrate and other family
847 support magistrates shall be increased by a percentage, rounded up to
848 the nearest one-hundredth, that equals the average increase in the
849 annualized salaries for state managers for the fiscal year immediately
850 preceding the fiscal year in which the salary increases under this
851 subdivision are paid. For the purposes of this subdivision, the average
852 increase in the annualized salaries for state managers includes all
853 increases in base salary, annual increments and any other increase
854 reflected in the state managers' regular paychecks, except longevity
855 payments. All amounts used in calculating such increases shall be
856 rounded up to the next highest dollar. As used in this subdivision,
857 "state manager" means a managerial employee in the classified service,
858 as such terms are defined in section 5-196.

859 Sec. 14. Subsection (b) of section 46b-236 of the general statutes is
860 repealed and the following is substituted in lieu thereof (*Effective July*
861 *1, 2007*):

862 (b) [Each] (1) Subject to the provisions of subdivision (2) of this
863 section, each family support referee shall receive, for acting as a family
864 support referee, in addition to the retirement salary, the sum of one
865 hundred ninety dollars and expenses, including mileage, for each day
866 a family support referee is so engaged.

867 (2) On July 1, 2007, and on July first of each year thereafter, the sum
868 paid to each family support referee under this subsection shall be
869 increased by a percentage, rounded up to the nearest one-hundredth,
870 that equals the average increase in the annualized salaries for state
871 managers for the fiscal year immediately preceding the fiscal year in
872 which the increase in such sum under this subdivision is paid. For the
873 purposes of this subdivision, the average increase in the annualized
874 salaries for state managers includes all increases in base salary, annual
875 increments and any other increase reflected in the state managers'
876 regular paychecks, except longevity payments. All amounts used in
877 calculating such increases shall be rounded up to the next highest

878 dollar. As used in this subdivision, "state manager" means a
879 managerial employee in the classified service, as such terms are
880 defined in section 5-196.

881 Sec. 15. Subsection (a) of section 51-47 of the general statutes is
882 repealed and the following is substituted in lieu thereof (*Effective July*
883 *1, 2007*):

884 (a) The judges of the Superior Court, judges of the Appellate Court
885 and judges of the Supreme Court shall receive annually salaries as
886 follows:

887 [(1) On and after April 1, 2002, (A) the Chief Justice of the Supreme
888 Court, one hundred forty-nine thousand five hundred eighty-two
889 dollars; (B) the Chief Court Administrator if a judge of the Supreme
890 Court, Appellate Court or Superior Court, one hundred forty-three
891 thousand seven hundred thirty-eight dollars; (C) each associate judge
892 of the Supreme Court, one hundred thirty-eight thousand four
893 hundred four dollars; (D) the Chief Judge of the Appellate Court, one
894 hundred thirty-six thousand eight hundred seventy-three dollars; (E)
895 each judge of the Appellate Court, one hundred twenty-nine thousand
896 nine hundred eighty-eight dollars; (F) the Deputy Chief Court
897 Administrator if a judge of the Superior Court, one hundred twenty-
898 seven thousand six hundred seventeen dollars; (G) each judge of the
899 Superior Court, one hundred twenty-five thousand dollars.

900 (2) On and after January 1, 2005, (A) the Chief Justice of the
901 Supreme Court, one hundred fifty-seven thousand eight hundred nine
902 dollars; (B) the Chief Court Administrator if a judge of the Supreme
903 Court, Appellate Court or Superior Court, one hundred fifty-one
904 thousand six hundred forty-four dollars; (C) each associate judge of
905 the Supreme Court, one hundred forty-six thousand sixteen dollars;
906 (D) the Chief Judge of the Appellate Court, one hundred forty-four
907 thousand four hundred one dollars; (E) each judge of the Appellate
908 Court, one hundred thirty-seven thousand one hundred thirty-seven
909 dollars; (F) the Deputy Chief Court Administrator if a judge of the
910 Superior Court, one hundred thirty-four thousand six hundred thirty-

911 six dollars; (G) each judge of the Superior Court, one hundred thirty-
912 one thousand eight hundred seventy-five dollars.

913 (3) On and after January 1, 2006, (A) the Chief Justice of the
914 Supreme Court, one hundred sixty-six thousand four hundred eighty-
915 nine dollars; (B) the Chief Court Administrator if a judge of the
916 Supreme Court, Appellate Court or Superior Court, one hundred fifty-
917 nine thousand nine hundred eighty-four dollars; (C) each associate
918 judge of the Supreme Court, one hundred fifty-four thousand forty-
919 seven dollars; (D) the Chief Judge of the Appellate Court, one hundred
920 fifty-two thousand three hundred forty-three dollars; (E) each judge of
921 the Appellate Court, one hundred forty-four thousand six hundred
922 eighty dollars; (F) the Deputy Chief Court Administrator if a judge of
923 the Superior Court, one hundred forty-two thousand forty-one dollars;
924 (G) each judge of the Superior Court, one hundred thirty-nine
925 thousand one hundred twenty-eight dollars.]

926 [(4)] (1) On and after January 1, 2007, and subject to the provisions
927 of subdivision (2) of this subsection, (A) the Chief Justice of the
928 Supreme Court, one hundred seventy-five thousand six hundred forty-
929 five dollars; (B) the Chief Court Administrator if a judge of the
930 Supreme Court, Appellate Court or Superior Court, one hundred sixty-
931 eight thousand seven hundred eighty-three dollars; (C) each associate
932 judge of the Supreme Court, one hundred sixty-two thousand five
933 hundred twenty dollars; (D) the Chief Judge of the Appellate Court,
934 one hundred sixty thousand seven hundred twenty-two dollars; (E)
935 each judge of the Appellate Court, one hundred fifty-two thousand six
936 hundred thirty-seven dollars; (F) the Deputy Chief Court
937 Administrator if a judge of the Superior Court, one hundred forty-nine
938 thousand eight hundred fifty-three dollars; (G) each judge of the
939 Superior Court, one hundred forty-six thousand seven hundred eighty
940 dollars.

941 (2) On July 1, 2007, and on July first of each year thereafter, the
942 salary for the Chief Justice of the Supreme Court, the Chief Court
943 Administrator if a judge of the Supreme Court, Appellate Court or

944 Superior Court, each associate judge of the Supreme Court, the Chief
945 Judge of the Appellate Court, each judge of the Appellate Court, the
946 Deputy Chief Court Administrator if a judge of the Superior Court and
947 each judge of the Superior Court shall be increased by a percentage,
948 rounded up to the nearest one-hundredth, that equals the average
949 increase in the annualized salaries for state managers for the fiscal year
950 immediately preceding the fiscal year in which the salary increases
951 under this subdivision are paid. For the purposes of this subdivision,
952 the average increase in the annualized salaries for state managers
953 includes all increases in base salary, annual increments and any other
954 increase reflected in the state managers' regular paychecks, except
955 longevity payments. All amounts used in calculating such increases
956 shall be rounded up to the next highest dollar. As used in this
957 subdivision, "state manager" means a managerial employee in the
958 classified service, as such terms are defined in section 5-196.

959 Sec. 16. Subsection (f) of section 52-434 of the general statutes is
960 repealed and the following is substituted in lieu thereof (*Effective July*
961 *1, 2007*):

962 (f) (1) Each judge trial referee shall receive, for acting as a referee or
963 as a single auditor or committee of any court or for performing duties
964 assigned by the Chief Court Administrator with the approval of the
965 Chief Justice, for each day the judge trial referee is so engaged, in
966 addition to the retirement salary: [(1) (A) On and after January 1, 2006,
967 and before January 1, 2007, the sum of two hundred fifteen dollars,
968 and (B) on] (A) On and after January 1, 2007, and subject to the
969 provisions of subdivision (2) of this subsection, the sum of two
970 hundred twenty dollars; and [(2)] (B) expenses, including mileage.
971 Such amounts shall be taxed by the court making the reference in the
972 same manner as other court expenses.

973 (2) On July 1, 2007, and on July first of each year thereafter, the sum
974 paid to each judge trial referee under this subsection shall be increased
975 by a percentage, rounded up to the nearest one-hundredth, that equals
976 the average increase in the annualized salaries for state managers for

977 the fiscal year immediately preceding the fiscal year in which the
978 increase in such sum under this subdivision is paid. For the purposes
979 of this subdivision, the average increase in the annualized salaries for
980 state managers includes all increases in base salary, annual increments
981 and any other increase reflected in the state managers' regular
982 paychecks, except longevity payments. All amounts used in
983 calculating such increases shall be rounded up to the next highest
984 dollar. As used in this subdivision, "state manager" means a
985 managerial employee in the classified service, as such terms are
986 defined in section 5-196.

987 Sec. 17. (*Effective July 1, 2007*) On July 1, 2007, the judicial branch
988 shall increase the hourly or per diem rate of compensation for
989 temporary employees of the judicial branch, including, but not limited
990 to, court monitors, court clerks, court interpreters, family relations
991 staff, juvenile detention staff and clerical and support staff, who are
992 not members of an employee organization, as defined in section 5-270
993 of the general statutes, or covered by a collective bargaining
994 agreement. Such increase shall not be less than five per cent.

995 Sec. 18. (*Effective from passage*) The courthouse of the Superior Court
996 located at 1 Courthouse Square in Norwich shall be named the "Milton
997 L. Jacobson Courthouse".

998 Sec. 19. Section 52-583 of the general statutes is repealed and the
999 following is substituted in lieu thereof (*Effective from passage*):

1000 No civil action shall be brought against any [sheriff, sheriff's deputy
1001 or] constable [,] or state marshal for any neglect or default in his or her
1002 office or duty, but within two years next after the right of action
1003 accrues.

1004 Sec. 20. (NEW) (*Effective July 1, 2007*) For purposes of subparagraph
1005 (A) of subdivision (1) of section 1-200 and subdivision (1) of subsection
1006 (a) of section 1-212 of the general statutes, "administrative functions"
1007 means (1) all matters not directly related to judicial activities in, and
1008 discussions concerning, court cases, and (2) those matters that relate to

1009 the management of the internal institutional machinery of the judicial
1010 branch including, but not limited to, budgeting, accounting, rule-
1011 making, personnel, facilities, physical operations, docketing and
1012 scheduling.

1013 Sec. 21. (NEW) (*Effective July 1, 2007*) (a) Whenever the Office of the
1014 Chief Court Administrator receives a complaint concerning the
1015 conduct of a judge, the Chief Court Administrator shall, in addition to
1016 any administrative reasons for reviewing such complaint, review such
1017 complaint to determine if there is reason to believe that the allegations
1018 warrant further investigation by the Judicial Review Council. If the
1019 Chief Court Administrator determines that such further investigation
1020 is warranted, he or she shall refer such complaint to the Judicial
1021 Review Council for investigation and action in accordance with
1022 chapter 872a of the general statutes.

1023 (b) If the Chief Court Administrator, in consultation with the Chief
1024 Justice, determines that the complaint is (1) without merit, (2) properly
1025 the subject of review through an existing adjudicatory procedure, or
1026 (3) otherwise not within the purview of the Office of the Chief Court
1027 Administrator, such complaint shall not be open to the public.

1028 (c) If the Chief Court Administrator, in consultation with the Chief
1029 Justice, determines that the complaint warrants administrative action,
1030 but does not rise to the level that is appropriate for referral to the
1031 Judicial Review Council, the Chief Court Administrator may issue an
1032 admonishment in accordance with section 51-45a of the general
1033 statutes.

1034 Sec. 22. (NEW) (*Effective July 1, 2007*) The judicial branch shall make
1035 the criminal docket of the Superior Court, including the docket
1036 number, name of the defendant, date of birth of the defendant and
1037 charge, available to the public on its Internet web site. If the judicial
1038 branch determines that there is a serious risk of identity theft in
1039 posting the date of birth of a defendant on the web site, it may post a
1040 redacted version of the date of birth such as only the month and year
1041 of birth.

1042 Sec. 23. (NEW) (*Effective July 1, 2007*) The judicial branch shall make
1043 conviction information, as defined in section 54-142g of the general
1044 statutes, available to the public on its Internet web site. Such
1045 information shall include the docket number of the case, name of the
1046 defendant, date of arrest, charges and disposition including any fine,
1047 term of imprisonment and term of probation imposed by the court, but
1048 shall not include the address or motor vehicle operator license number
1049 of the defendant. Such information shall be searchable by name of
1050 defendant, date of birth of defendant and docket number. If the
1051 judicial branch determines that there is a serious risk of identity theft
1052 in posting the date of birth of a defendant on the web site, it may post
1053 a redacted version of the date of birth such as only the month and year
1054 of birth. Conviction information with respect to misdemeanors shall
1055 not be available to the public on the judicial branch or other public
1056 agency web site after five years from the date of the conviction.

1057 Sec. 24. (NEW) (*Effective July 1, 2007*) Whenever an arrest is made in
1058 connection with the execution of a search warrant, any motion filed by
1059 a prosecuting authority seeking to extend an order of the court issued
1060 under section 54-33c of the general statutes sealing or limiting the
1061 disclosure of an affidavit upon which such search warrant was based
1062 shall be heard by the court on the record. Any such extension shall be
1063 until a date certain and shall not exceed ninety days.

1064 Sec. 25. (NEW) (*Effective July 1, 2007*) Any police report used during
1065 a court hearing as the basis for a judicial determination of probable
1066 cause, whether or not probable cause has been found, shall be made
1067 part of the court file and be open to the public unless the court, on
1068 motion of any party or on its own motion, orders, for good cause
1069 shown, all or a portion of the report to be sealed. If such motion is
1070 granted, the moving party may make a recommendation within seven
1071 days as to the details of the sealing order. If no such recommendation
1072 is made, the report shall be made public.

1073 Sec. 26. Subsection (d) of section 54-56d of the general statutes is
1074 repealed and the following is substituted in lieu thereof (*Effective July*

1075 1, 2007):

1076 (d) If the court finds that the request for an examination is justified
1077 and that, in accordance with procedures established by the judges of
1078 the Superior Court, there is probable cause to believe that the
1079 defendant has committed the crime for which the defendant is
1080 charged, the court shall order an examination of the defendant as to his
1081 or her competency. The court may (1) appoint one or more physicians
1082 specializing in psychiatry to examine the defendant, or (2) order the
1083 Commissioner of Mental Health and Addiction Services to conduct the
1084 examination either (A) by a clinical team consisting of a physician
1085 specializing in psychiatry, a clinical psychologist and one of the
1086 following: A clinical social worker licensed pursuant to chapter 383b or
1087 a psychiatric nurse clinical specialist holding a master's degree in
1088 nursing, or (B) by one or more physicians specializing in psychiatry,
1089 except that no employee of the Department of Mental Health and
1090 Addiction Services who has served as a member of a clinical team in
1091 the course of such employment for at least five years prior to October
1092 1, 1995, shall be precluded from being appointed as a member of a
1093 clinical team. If the Commissioner of Mental Health and Addiction
1094 Services is ordered to conduct the examination, the commissioner shall
1095 select the members of the clinical team or the physician or physicians.
1096 If the examiners determine that the defendant is not competent, the
1097 examiners shall then determine whether there is a substantial
1098 probability that the defendant, if provided with a course of treatment,
1099 will regain competency within the maximum period of any placement
1100 order under this section. If the examiners determine that there is a
1101 substantial probability that the defendant, if provided with a course of
1102 treatment, will regain competency within the maximum period of any
1103 placement order under this section, the examiners shall then determine
1104 whether the defendant appears to be eligible for civil commitment,
1105 with monitoring by the Court Support Services Division, pursuant to
1106 subdivision (2) of subsection (h) of this section. The court may
1107 authorize a physician specializing in psychiatry, a clinical
1108 psychologist, a clinical social worker licensed pursuant to chapter 383b
1109 or a psychiatric nurse clinical specialist holding a master's degree in

1110 nursing selected by the defendant to observe the examination. Counsel
1111 for the defendant may observe the examination. The examination shall
1112 be completed within fifteen days from the date it was ordered and the
1113 examiners shall prepare and sign, without notarization, a written
1114 report and file such report with the court within twenty-one business
1115 days of the date of the order. On receipt of the written report, the clerk
1116 of the court shall cause copies to be delivered immediately to the
1117 state's attorney and to counsel for the defendant. The court shall, but
1118 only as to the public, order the written report sealed. The written
1119 report shall not be open to the public unless it is introduced at the
1120 hearing under subsection (e) of this section, a participant at such
1121 hearing relies upon such report for his or her testimony, the
1122 questioning of witnesses or arguments to the court or the court makes
1123 findings based on such report.

1124 Sec. 27. Subsection (a) of section 53a-39a of the general statutes is
1125 repealed and the following is substituted in lieu thereof (*Effective July*
1126 *1, 2007*):

1127 (a) In all cases where a defendant has been convicted of a
1128 misdemeanor or a felony, other than a capital felony, a class A felony
1129 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
1130 57, 53a-58 or 53a-70b or any other offense for which there is a
1131 mandatory minimum sentence which may not be suspended or
1132 reduced by the court, after trial or by a plea of guilty without trial, and
1133 a term of imprisonment is part of a stated plea agreement or the
1134 statutory penalty provides for a term of imprisonment, the court may,
1135 in its discretion, order an assessment for placement in an alternate
1136 incarceration program under contract with the Judicial Department. If
1137 the Court Support Services Division recommends placement in an
1138 alternate incarceration program, it shall also submit to the court a
1139 proposed alternate incarceration plan. Upon completion of the
1140 assessment, the court shall determine whether such defendant shall be
1141 ordered to participate in such program as an alternative to
1142 incarceration. If the court determines that the defendant shall
1143 participate in such program, the court shall suspend any sentence of

1144 imprisonment and shall make participation in the alternate
1145 incarceration program a condition of probation as provided in section
1146 53a-30. An alternate incarceration assessment report prepared
1147 pursuant to this subsection shall be sealed upon filing with the court. If
1148 the court orders the defendant to participate in such alternate
1149 incarceration program, the report shall be unsealed and open to the
1150 public.

1151 Sec. 28. Subsection (c) of section 19a-343a of the general statutes is
1152 repealed and the following is substituted in lieu thereof (*Effective July*
1153 *1, 2007*):

1154 (c) If in the application, the state requests the issuance of a
1155 temporary ex parte order for the abatement of a public nuisance, the
1156 court [,] or, if the court is not in session, any judge of the Superior
1157 Court, may grant a temporary ex parte order to abate the public
1158 nuisance. The court or judge shall direct the state to give notice and
1159 service of such documents, including a copy of the ex parte order, in
1160 accordance with subsection (b) of this section. At such hearing, any
1161 defendant may show cause why the abatement order shall be modified
1162 or vacated. No such ex parte order may be granted unless it appears
1163 from the specific facts shown by affidavit and by complaint that there
1164 is probable cause to believe that a public nuisance exists and the
1165 temporary relief requested is necessary to protect the public health,
1166 welfare or safety. Such show cause hearing shall be scheduled within
1167 five business days after service is effected by the state. [The affidavit
1168 may be ordered sealed by the court or judge upon a finding that the
1169 state's interest in nondisclosure substantially outweighs the
1170 defendant's right to disclosure.] A copy of the state's application and
1171 the temporary order to cease and desist shall be posted on any outside
1172 door to any building on the real property.

1173 Sec. 29. Section 51-164x of the general statutes is repealed and the
1174 following is substituted in lieu thereof (*Effective July 1, 2007*):

1175 (a) Any person affected by a court order which prohibits any person
1176 from attending any session of court, except any session of court

1177 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or
1178 any other provision of the general statutes under which the court is
1179 authorized to close proceedings, whether at a pretrial or trial stage,]
1180 shall have the right to the review of such order by the filing of a
1181 petition for review with the Appellate Court [within seventy-two
1182 hours from] not later than three business days after the issuance of
1183 such court order.

1184 (b) No order subject to review pursuant to subsection (a) of this
1185 section shall be effective until [seventy-two hours] the fourth business
1186 day after it has been issued, and the timely filing of any petition for
1187 review shall stay the order.

1188 (c) Any person affected by a court order that seals or limits the
1189 disclosure of any files, affidavits, documents or other material on file
1190 with the court or filed in connection with a court proceeding, except (1)
1191 any order issued pursuant to section 46b-11 or 54-33c, [or any other
1192 provision of the general statutes under which the court is authorized to
1193 seal or limit the disclosure of files, affidavits, documents or materials,
1194 whether at a pretrial or trial stage,] and (2) any order issued pursuant
1195 to a court rule that seals or limits the disclosure of any affidavit in
1196 support of an arrest warrant, shall have the right to the review of such
1197 order by the filing of a petition for review with the Appellate Court
1198 [within seventy-two hours from] not later than three business days
1199 after the issuance of such court order.

1200 (d) The Appellate Court shall provide an expedited hearing on such
1201 petitions filed pursuant to subsections (a) and (c) of this section in
1202 accordance with such rules as the judges of the Appellate Court may
1203 adopt, consistent with the rights of the petitioner and the parties to the
1204 case.

1205 Sec. 30. Section 4-173 of the general statutes is repealed and the
1206 following is substituted in lieu thereof (*Effective July 1, 2007*):

1207 (a) The Commission on Official Legal Publications shall publish and
1208 distribute a compilation of all effective regulations adopted by all state

1209 agencies subsequent to October 27, 1970, except regulations adopted
1210 pursuant to subsection (f) of section 4-168. Such publication may be a
1211 supplement to or revision of the most current compilation, and shall be
1212 published at least semiannually. The Commission on Official Legal
1213 Publications may omit from such compilation (1) any regulation that is
1214 incorporated by reference into a Connecticut regulation and published
1215 by or otherwise available in printed form from a federal agency, a
1216 government agency of another state or a commercial publishing
1217 company, (2) any regulation that is too expensive to publish, or (3) any
1218 regulation the publication of which would be unduly cumbersome. If
1219 the commission omits a regulation from the compilation, it shall
1220 publish in the compilation a notice identifying the omitted regulation,
1221 stating the general subject matter of the regulation and stating an
1222 address, telephone number and any other information needed to
1223 obtain a copy of the regulation. Such address and telephone number
1224 shall be kept current in each semiannual publication of the
1225 compilation. The commission shall publish any regulation that has
1226 been omitted from publication under subdivision (2) of this subsection
1227 as soon as the commission has sufficient funds.

1228 (b) The Commission on Official Legal Publications shall in addition
1229 cause to be published in the Connecticut Law Journal at least monthly
1230 the text of all regulations received by the commission from the office of
1231 the Secretary of the State pursuant to section 4-172 during the
1232 preceding month. The commission may omit from the Connecticut
1233 Law Journal (1) any regulation submitted in accordance with
1234 subsection (g) of section 4-168, for the purposes of renumbering
1235 sections only, if a correlated table of the former and new section
1236 numbers is published in lieu of the full text, (2) any regulation that is
1237 incorporated by reference into a Connecticut regulation and published
1238 by or otherwise available in printed form from a federal agency, a
1239 government agency of another state or a commercial publishing
1240 company, and (3) any regulation the publication of which would be
1241 too expensive or unduly cumbersome. If the commission omits a
1242 regulation from publication in the Connecticut Law Journal under
1243 subdivision (2) or (3) of this subsection, the commission shall publish

1244 in the Connecticut Law Journal a notice identifying the omitted
 1245 regulation, stating the general subject matter of the regulation and
 1246 stating an address, telephone number and any other information
 1247 needed to obtain a copy of the regulation.

1248 (c) Each agency which adopts a regulation shall make the regulation
 1249 available for inspection and copying at its main office.

1250 (d) Any publication made pursuant to subsections (a) and (b) of this
 1251 section shall be made available upon request to agencies and officials
 1252 of this state free of charge, and to other persons at prices fixed by the
 1253 Commission on Official Legal Publications, in accordance with section
 1254 51-216b.

1255 (e) The compilation of regulations published under subsection (a) of
 1256 this section and all Connecticut regulations omitted from the
 1257 compilation under subsection (a) shall be maintained in the reference
 1258 collection of each law library described in section 11-19a.

1259 (f) The commission shall make the compilation of effective
 1260 regulations published pursuant to subsection (a) of this section and the
 1261 text of recently-filed regulations published pursuant to subsection (b)
 1262 of this section available to the public through the Internet. The web
 1263 sites of the Executive, Judicial and Legislative Branches shall contain a
 1264 link to such compilation of effective regulations and text of recently-
 1265 filed regulations.

1266 Sec. 31. (*Effective July 1, 2007*) The sum of five million dollars is
 1267 appropriated to the Judicial Department, from the General Fund, for
 1268 the fiscal year ending June 30, 2008, for the purpose of increasing the
 1269 hourly or per diem rate of compensation for temporary employees as
 1270 provided in section 17 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	51-44a
Sec. 2	<i>October 1, 2007</i>	51-50l(a)

Sec. 3	<i>October 1, 2007</i>	52-434(a)
Sec. 4	<i>October 1, 2007</i>	51-51k
Sec. 5	<i>October 1, 2007</i>	51-51l
Sec. 6	<i>October 1, 2007</i>	51-51m(a)
Sec. 7	<i>October 1, 2007</i>	51-51n(a)
Sec. 8	<i>October 1, 2007</i>	51-51q
Sec. 9	<i>October 1, 2007</i>	51-51r
Sec. 10	<i>July 1, 2007</i>	New section
Sec. 11	<i>July 1, 2007</i>	51-1b
Sec. 12	<i>July 1, 2007</i>	45a-74
Sec. 13	<i>July 1, 2007</i>	46b-231(h)
Sec. 14	<i>July 1, 2007</i>	46b-236(b)
Sec. 15	<i>July 1, 2007</i>	51-47(a)
Sec. 16	<i>July 1, 2007</i>	52-434(f)
Sec. 17	<i>July 1, 2007</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	52-583
Sec. 20	<i>July 1, 2007</i>	New section
Sec. 21	<i>July 1, 2007</i>	New section
Sec. 22	<i>July 1, 2007</i>	New section
Sec. 23	<i>July 1, 2007</i>	New section
Sec. 24	<i>July 1, 2007</i>	New section
Sec. 25	<i>July 1, 2007</i>	New section
Sec. 26	<i>July 1, 2007</i>	54-56d(d)
Sec. 27	<i>July 1, 2007</i>	53a-39a(a)
Sec. 28	<i>July 1, 2007</i>	19a-343a(c)
Sec. 29	<i>July 1, 2007</i>	51-164x
Sec. 30	<i>July 1, 2007</i>	4-173
Sec. 31	<i>July 1, 2007</i>	New section

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Selection Com.	GF - Cost	7,000	4,000
Judicial Rev. Council	GF - Cost	75,240	74,000
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	17,000	41,000
Judicial Dept.	GF - Cost	7,127,250	4,599,600
Workers' Compensation Com.	WCF - Cost	140,000	289,000
Probate Court	PCAF - Cost	Greater than 100,000	Greater than 200,000
Legislative Mgmt.	GF - Cost	Minimal	Minimal
Judicial Rev. Council	GF - Potential Revenue Gain	Less than 50,000	Less than 50,000
Total State Cost	Various - Cost	7,466,490	5,207,600

Note: GF=General Fund; WCF=Workers' Compensation Fund; PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The provisions of the bill with fiscal impact are described below.

Section 1 requires the Judicial Selection Commission to evaluate incumbent state referees who seek reappointment. This could increase the number of meetings that the Commission holds and result in an annual cost that is estimated to be less than \$2,000 to cover expenses. This section also requires the Commission to establish and maintain a web site. It would cost the agency roughly \$5,000 to establish a (relatively rudimentary) web site and less than \$2,000 annually to make minor adjustments to it as needed.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Selection Commission (Meetings)	GF - Potential Cost	< 2,000	< 2,000
Judicial Selection Commission (Website)	GF - Cost	< 5,000	< 2,000

Section 4 requires the Judicial Review Council to employ one full-time attorney. The annual cost of this provision is roughly \$115,000, including fringe benefits and expenses.¹ Section 4 also requires the Council to establish and maintain a web site, which would result in a one-time cost of less than \$5,000 and annual costs of less than \$2,000 thereafter. Lastly, Section 4 authorizes the Council to render advisory opinions and requires the agency to publish these opinions in the Connecticut Law Journal. Potential expenditures, in addition to the salary and expenses to support the attorney position indicated above, to carry out this function are estimated to be less than \$5,000 annually.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Review Council (Atty)	GF - Cost	70,240	72,000
Comptroller - Fringe Benefits	GF - Cost	17,000	41,000
Judicial Review Council (Website)	GF - Cost	< 5,000	< 2,000
Judicial Review Council (Expenses to Render Advisory Opinions)	GF - Potential Cost	< 5,000	< 5,000

Sections 6-7 permit the Judicial Review Council to impose civil penalties of up to \$10,000 for violations. There is a potential, minimal revenue gain.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Review Council	GF - Potential Revenue Gain	< 50,000	< 50,000

Section 10 requires the Chief Justice of the Supreme Court to nominate the Chief Court Administrator, subject to approval by the Judiciary Committee. Section 12 requires the Chief Justice of the

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

Supreme Court to nominate a Probate Court Administrator. It is anticipated that these processes would occur infrequently. To convene a committee meeting during legislative session has no fiscal impact. If not in session, holding a committee meeting will result in minor costs to Legislative Management for legislator mileage reimbursements (currently 48.5 cents per mile).

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Office of Legislative Management	GF - Potential Cost	Minimal	Minimal

Section 13 provides that family support magistrates shall receive annual salary increases, beginning July 1, 2007, which are equal in percentage to the average salary increase of state managers in the prior year. Current law does not provide for these salary increases. The anticipated costs² are identified below.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	66,000	136,000

Section 14 provides that the per diem rate of compensation for family support referees shall be increased equal in percentage to the average salary increase of state managers. Current law does not provide for these per diem increases. The anticipated costs are below.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	1,250	2,600

Section 15 provides that judges shall receive annual salary increases that are equal in percentage to the average salary increase of state managers. Current law does not provide for these salary increases. The anticipated costs to the Judicial Department are identified below. Note that the salaries of other state positions are statutorily linked to the salaries of Superior Court judges. Consequently, there would be significant costs to the Workers' Compensation Fund and Probate

² Cost estimates for Sections 13 - 16 assume a six per cent average annual salary increase for state managers.

Court Administration Fund under this provision of the bill.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	1,740,000	3,600,000
Workers' Compensation Comm.	WCF - Cost	140,000	289,000
Probate Court	PCAF - Cost	> 100,000	> 200,000

Section 16 provides that the per diem rate of compensation for judge trial referees shall be increased equal in percentage to the average salary increase of state managers. Current law does not provide for these per diem increases. The anticipated costs are below.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	195,000	406,000

Section 17 requires the Judicial Department to provide, on July 1, 2007, a one-time increase of at least five per cent to the hourly or per diem rate of compensation for certain temporary employees. The FY 08 cost of this increase would be at least \$435,000.

Section 31 contains a \$5 million (FY 08) appropriation to the Judicial Department to cover the cost of the compensation increase for temporary employees that is provided in Section 17. This amount would be sufficient to make the compensation of temporary employees roughly equal to that of their permanent position counterparts. It should be noted that sHB 7077 (the Appropriations Act for the 2007-2009 Biennium, as favorably reported from the Appropriations Committee) does not include funding for any compensation rate increase for these temporary employees.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	> 435,000	> 435,000
Judicial Department	GF - Cost	Appx. 4,565,000	0
Total	GF - Cost	5,000,000	> 435,000

Section 18 changes the name of the courthouse of the Superior Court located at 1 Courthouse Square in Norwich. This would result in a one-time cost for printing and signage.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	< 25,000	0

Sections 22-23 require the Judicial Department to make the criminal docket of the Superior Court and conviction information available to the public on its Internet web site. Access to the daily criminal docket is currently available on the Judicial Department's web site. The Judicial Department would likely incur a cost of less than \$50,000 to initiate posting of conviction information, as well. Once established, the Department would be able to maintain and provide this Internet service at an estimated cost of less than \$10,000 annually.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	< 50,000	< 10,000

Section 30 requires the Commission on Official Legal Publications to make available through the Internet a compilation of effective regulations. A one-time cost of less than \$50,000 would be incurred to initiate this web site and less than \$10,000 annually to maintain it.

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Department	GF - Cost	< 50,000	< 10,000

The Out Years

The annualized ongoing fiscal impacts identified above would continue into the future subject to inflation or the salary increases of managers, as provided for under the bill.

OLR Bill Analysis

sHB 7429

AN ACT CONCERNING JUDICIAL BRANCH OPENNESS.

SUMMARY:

This bill requires the Judicial Selection Commission to (1) evaluate incumbent state referees seeking reappointment in the same way that they evaluate judges seeking reappointment, (2) establish an Internet web site, and (3) comply with the Freedom of Information Act's (FOIA) provisions on meeting notices and agenda availability.

It requires the Judicial Review Council (JRC) to hire a full-time attorney, create an Internet website, and comply with FOIA's provisions on meeting notices and agenda availability. It allows the council to issue advisory opinions and opens certain of its records and proceedings to the public.

The bill requires the General Assembly, rather than the chief justice, to appoint the chief court administrator and probate court administrator. It establishes a mechanism for annually increasing judges' and family court magistrates' salaries. It requires the Judicial Branch to increase the hourly and per diem compensation of its temporary employees.

The bill names the courthouse in Norwich.

It defines "administrative functions" as that phrase is used in FOIA to identify Judicial Branch records and meetings subject to the act.

It makes a number of changes to court practices, primarily opening court records and proceedings to the public.

Lastly, the bill requires the Commission on Official Legal Publications to make state agency regulations available to the public

through the Internet.

EFFECTIVE DATE: July 1, 2007, except that the provisions (1) naming the courthouse and correcting a technical reference to state marshals are effective upon passage and (2) on state referees and the Judicial Review Council are effective on October 1, 2007.

§§ 1-3 — JUDICIAL SELECTION COMMISSION

Evaluation of State Referees

The bill requires the Judicial Selection Commission to evaluate incumbent state referees seeking reappointment and forward the names of those it recommends to the governor (see BACKGROUND). The commission must establish its evaluation criteria in regulations.

The procedure the bill requires for evaluating state referees is very similar to that the commission follows to evaluate judges seeking reappointment to the same court. This means the commission must: (1) consider each referee's legal ability, competence, integrity, character, temperament, and any other relevant information; (2) investigate and interview each referee; (3) hold a hearing if a preliminary examination indicate further inquiry is necessary; (4) subpoena witnesses if relevant to the inquiry; (5) notify the referee of the date, time, and place of any commission hearing to consider his or her reappointment and of any claims against him or her; (6) vote, by a super majority, whether to recommend the referee for appointment or reappointment; and (7) submit any recommendation to the governor. The only procedural difference between the treatment of judges and referees is that there is no rebuttable presumption that a referee is qualified.

The governor may not nominate an incumbent state referee denied a recommendation by the commission.

Reports to the Judiciary Committee

By law, the commission submits an annual report to the Judiciary Committee on the number of judicial candidates interviewed and recommended for nomination, broken down by race, gender, national

origin, religion, and years of experience.

The bill requires the commission to include in the report the same information on incumbent state referees.

List of Judicial Candidates

By law, the commission must compile a list of qualified attorneys seeking judicial appointments and judges seeking appointments to different courts. The bill requires the commission to keep the list confidential, except that the names of qualified candidates for associate “judge” and chief justice of the state Supreme Court must be publicly available. Apparently, “judge” refers to associate “justice” of the Supreme Court.

Web Site

The bill requires the commission to establish and maintain an Internet web site. The commission must post on the site its office address, telephone number, e-mail address, duties, and procedures, including the procedure for filing an application to become a judge, and a copy of the application form.

Records and Meetings

The commission must file notice of its regular meetings and make agendas available in compliance with FOIA (see BACKGROUND). Additionally, the commission must post meeting notices and agendas on its web site and provide them to the Judiciary Committee chairmen. The commission may redact from its public agendas any information that might personally identify candidates, incumbent judges seeking appointment to the same or a different court, or incumbent state referees seeking reappointment.

§§ 4-9 — JUDICIAL REVIEW COUNCIL

By law, the JRC investigates complaints against judges, compensation commissioners, and family support magistrates. If it finds probable cause that such an official violated certain standards of conduct, it holds a hearing. If the JRC finds the official guilty of the

conduct, it can impose discipline.

Hiring an Attorney

The bill requires the JRC to employ a full-time attorney. Under current law, it must employ an executive director and other staff necessary to perform its functions and duties.

Web Site

The bill requires the JRC to create and maintain a web site. The site must include:

1. its address, phone number, and e-mail address;
2. information on the JRC's purpose, authority, jurisdiction, and procedures;
3. procedures for filing complaints against judges, compensation commissioners, and family support magistrates;
4. a copy of a complaint form;
5. statutory grounds for censure, suspension, or removal of judges, compensation commissioner, and family support magistrates;
6. the code of judicial conduct (or a link to it);
7. relevant statutory and regulatory provisions (or a link to them);
and
8. procedures for investigating and disposing of complaints and the dispositions available to the JRC.

The bill prohibits filing complaints electronically.

The bill requires the Judicial Branch's website to link to the JRC web site under the heading "Complaints against Judges."

Notice of Meetings

The bill requires the JRC to provide notice of its meetings and make

agendas available to the public as required by FOIA (see BACKGROUND). It provides that a public agenda cannot contain personally identifiable information that might identify the subject of a complaint unless the JRC has already found probable cause that the person engaged in conduct that could be grounds for removal, suspension, or censure. (By law, investigations by the JRC are confidential until it finds probable cause.)

The bill requires the JRC to post notices and agendas on its web site and give copies to the Judiciary Committee chairmen.

Advisory Opinions

The bill authorizes the JRC to issue advisory opinions about whether contemplated conduct would subject a judge, compensation commissioner, or family support magistrate to discipline. To issue an advisory opinion, (1) a judge, compensation commissioner, or family support magistrate must request it and (2) a majority of the JRC members present must vote for it.

The bill requires the council to publish advisory opinions in the Connecticut Law Journal. The bill makes the opinions binding on the JRC unless amended or revoked. They are considered final decisions and appealable to the Supreme Court. In reviewing an opinion, the bill requires the Supreme Court to uphold it unless the decision was arbitrary, capricious, an abuse of discretion, or a clearly unwarranted exercise of discretion.

Under the bill, an advisory opinion is binding on the JRC regarding the person who requests it and relies on it in good faith. It also makes it an absolute defense in JRC proceedings that the person who requested it relied on it.

Disclosure of Complaint

Under current law, an investigation to determine whether there is probable cause for a violation is confidential and any individual who provides information to the JRC cannot disclose knowledge of the investigation to others until the JRC decision on probable cause. But

the law allows the person who is the subject of the investigation to request that the investigation be open, and information known independently is not confidential. The bill provides that the person filing a complaint can disclose that he or she did so.

Admonishment

The law allows the JRC to admonish a judge, compensation commissioner, or family support magistrate if the conduct at issue was not a violation of the standards of conduct that subjects the person to removal, suspension, or censure, but gives the appearance of impropriety or is an unfavorable judicial practice. Current law prohibits disclosing the admonishment except that the JRC must notify (1) the person who filed a complaint, if the admonishment is based on one, and (2) the Judiciary Committee. The bill makes the admonishment a public record and retains the notice requirements.

Probable Cause Investigatory Documents

The law requires the JRC to determine whether there is probable cause that a judge, compensation commissioner, or family support magistrate committed a violation that may subject the individual to censure, suspension, or removal.

The bill makes investigatory records open to the public if a preliminary investigation finds probable cause. This includes a complaint, transcripts of evidentiary proceedings, statements, and other documentary evidence obtained during the investigation. But information exempt from disclosure under FOIA must be removed or redacted.

Hearings

The law requires the JRC to hold a hearing and publish its findings after it finds probable cause. The bill specifies that the council must determine whether the individual is guilty of violating the standards of conduct after all evidence and arguments are presented at the hearing.

Under current law, all hearings are open. The bill requires all

proceedings to be open to the public, including hearings, meetings, and the JRC's deliberation in making its findings.

Discipline

The bill gives the JRC the option of imposing a civil penalty of up to \$10,000 per violation, in addition to censure or suspending a judge, compensation commissioner, or family support magistrate for up to one year.

The law also allows the JRC to refer a judge or magistrate to the Supreme Court recommending a suspension of more than one year or removal, and refer a compensation commissioner to the governor recommending removal.

Recommendations

The bill eliminates requirements that the JRC submit recommendations about judges who are reappointed or nominated to a different court and compensation commissioners and family support magistrates who are reappointed.

Regarding judges, the bill eliminates the required recommendations to the governor, Judicial Selection Commission, and Judiciary Committee, and provisions on when the JRC may and must refuse to recommend a judge. Just as it can under current law, the JRC must report on any complaint filed about the judge, dispositions of complaints, and any investigations.

Regarding family support magistrates, the bill still requires the JRC to report on any investigation of the magistrate and adds that it must report on any complaint filed against the magistrate and their dispositions.

Regarding compensation commissioners, the bill eliminates the required recommendation to the governor and Judiciary Committee. But it still requires the JRC to report on any investigations and also requires a report of any complaints filed and their dispositions.

Appeals

By law, a judge or family support magistrate aggrieved by a decision of the JRC can appeal it to the Supreme Court. The bill requires the court to conduct a new review of the JRC's legal conclusions and, when reviewing its factual findings, to determine whether there was substantial evidence to support those findings.

§§ 10-12 — APPOINTING THE CHIEF COURT ADMINISTRATOR AND PROBATE COURT ADMINISTRATOR

Starting July 1, 2007, the bill requires the Supreme Court chief justice to nominate a chief court administrator and probate court administrator for appointment by the General Assembly. Under current law, the chief justice appoints these administrators without legislative approval.

The bill sets the administrators' terms as coterminous with the chief justice's. As under current law, the administrators serve at the pleasure of the chief justice.

The bill eliminates the requirement that the probate court administrator be a probate judge.

The bill specifies that if the chief court administrator is a judge or if the probate court administrator is a probate judge, the fact that their term as administrator ends does not affect their term as a judge or probate judge.

Judiciary Committee Process

When the General Assembly is in session, the bill requires the nomination to be referred to the Judiciary Committee, which must report on it within 30 legislative days, but not later than seven legislative days before the General Assembly adjourns.

When the General Assembly is not in session, the chief justice submits the appointment to the Judiciary Committee which can, within 45 days on the call of either chairman, hold a special meeting to approve or disapprove the appointee by majority vote. If the

committee cannot complete its investigation and act within 45 days, it can extend the period by 15 days on written notice to the chief justice. An appointee cannot serve as administrator until the committee approves the appointment. If the committee does not act during the required period, it is considered approval.

§§ 13-16 — JUDICIAL SALARIES AND PER DIEMS

The bill provides a mechanism for an annual salary increase for judges and family support magistrates, equal to the average salary increase given to managers in the Executive Branch. It also uses the same mechanism for annual increases in the per diem rates paid to judge trial referees and family support referees. The increases take effect on July 1 of each year, starting with 2007.

Under the bill, the salaries and per diems are increased by a percentage, rounded to the nearest 100th, that equals the average increase in the annual salaries for state managers in the preceding fiscal year. The average increase includes increases in base salary, annual increments, and any other increase reflected in regular paychecks, other than longevity payments. Amounts used to calculate the increase are rounded up to the next highest dollar. A state manager is a managerial employee in the classified service.

The table below displays the current salaries for these judicial officials.

Annual Salaries	
As of 1/1/07	
Chief Justice of the Supreme Court	\$175,645
Chief Court Administrator*	168,783
Supreme Court Associate Justice	162,520
Appellate Court Chief Judge	160,722

Appellate Court Judge	152,637
Deputy Chief Court Administrator*	149,853
Superior Court Judge	146,780
Chief Family Support Magistrate	127,782
Family Support Magistrate	121,615

*The chief court administrator earns this salary if he is a judge. The deputy chief court administrator earns this salary if he is a Superior Court judge.

The current per diem fee for judge trial referees is \$220 and for family support referees, \$190.

The bill's provisions result in salary increases for other officials whose salaries are tied to those of judges. The salaries of workers' compensation commissioners vary depending on experience and are tied to those of Superior Court judges. The probate court administrator receives the same salary as a Superior Court judge and the salaries of other probate court judges are capped at 75% of a Superior Court judge's salary.

§§ 17 & 31 — COMPENSATION FOR TEMPORARY JUDICIAL EMPLOYEES

The bill requires the Judicial Branch to increase the hourly or per diem compensation paid temporary employees by at least 5% on July 1, 2007. This applies to temporary employees who are not members of an employee organization or covered by a collective bargaining agreement and includes, but is not limited to, those performing jobs as court monitors, clerks, interpreters, family relations staff, juvenile detention staff, and clerical and support staff.

The bill appropriates \$5,000,000 in FY 08 to the Judicial Branch from the General Fund for this purpose.

§ 18 — NORWICH COURTHOUSE NAME

The bill names the Superior Court courthouse at 1 Courthouse Square in Norwich, the “Milton L. Jacobson Courthouse.”

§ 19 — CIVIL ACTIONS AGAINST STATE MARSHALS

The bill requires a civil action against a state marshal based on neglect or default of office or duties to be brought within two years after it occurs. It deletes this provision for the offices of sheriff and deputy sheriff, which no longer exist.

§§ 20-29 — JUDICIAL OPENNESS

§ 20 — *Administrative Function*

By law, FOIA applies to the judicial branch, but only with respect to its administrative functions. However, “administrative function” is not currently defined in statute.

The bill defines “administrative functions” as (1) all matters not directly related to judicial activities in, and discussions concerning, court cases and (2) those matters relating to the management of the internal institutional machinery of the judicial branch, including budgeting, accounting, rulemaking, personnel, facilities, physical operations, docketing, and scheduling.

§ 21 — *Complaints Regarding Judicial Conduct*

The bill requires the chief court administrator to review any complaint of judicial misconduct that he receives to determine if a referral to the Judicial Review Council for further investigation is warranted. If so, he must refer the complaint. By law, council investigations are confidential; however, if it finds probable cause that a judge’s behavior subjects him to removal, suspension, or censure any further hearings are open to the public. A finding that a judge acted in a manner that gives the appearance of impropriety may result in an admonishment of which the council notifies the Judiciary Committee but does not otherwise disclose.

If the chief court administrator, in consultation with the chief justice, determines that the complaint is (1) without merit, (2) properly the

subject of review through an existing adjudicatory procedure, or (3) otherwise not within the purview of the Office of the Chief Court Administrator, the complaint cannot be publicly disclosed. If, however, they determine that the complaint warrants administrative action, but not a referral to the Judicial Review Council, the chief court administrator may admonish the judge by recommending a change in conduct or practice, as appropriate. The admonishment must be a part of the judge's performance evaluation, which is not publicly disclosed. However, the bill makes admonishments public records.

§ 22-23 — Criminal information Available on the Internet

The bill requires the Judicial Branch to make conviction information and the Superior Court's criminal docket available to the public on its Internet web site. This information is currently available to the public.

"Conviction information" means court records and other criminal history information used to identify criminal offenders that has not been erased. The branch must include on its web site case docket numbers and each defendant's name, arrest date, charges, and disposition, including any fine and term in prison and on probation. The web site cannot include the defendant's address or driver's license number. The information must be searchable by name of defendant, date of birth of defendant and docket number. Conviction information relating to misdemeanors must be removed from Judicial's and all public agencies' web sites five years after the conviction date.

The posted docket information must include the docket number and charge and the defendant's name and birth date.

With respect to both postings, the branch can post a redacted version of the birth date if it determines that posting the full date poses a serious risk of identity theft.

§ 24 — Disclosure of Search Warrant Affidavits

Following an arrest made pursuant to a search warrant, the bill requires that any request by a prosecutor to extend an order sealing or limiting the disclosure of a search warrant affidavit be heard by the

court on the record. The court may grant the motion and extend the sealing or limited disclosure until a date certain, but not longer than 90 days. The bill does not specify the circumstances under which a court may grant the extension. However, Superior Court rules currently permit judges to order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited if they determine the order is necessary to preserve an interest that overrides the public's interest in viewing the materials. The judge must first consider reasonable alternatives to the order. If a judge issues the order he or she must articulate the overriding interest being protected and specify his or her findings underlying the order and the order's duration. If any finding would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope, and duration of the order must be set forth in a writing signed by the judge.

§ 25 — Police Reports

The bill requires that a police report become part of the court file and open to the public if it is used during a court hearing to determine probable cause unless the court orders all or a portion of the report sealed for good cause. The requirement applies regardless of whether probable cause is found.

If the court grants a motion to seal the report, the moving party may make a recommendation, within seven days, about the details of the sealing order. If no recommendation is made, the report is public. Presumably, the duration of the sealing would be included in the recommendations. Apparently the court would have the discretion to reject or modify the recommendations.

§ 26 — Competency Evaluations

The bill requires courts to seal from public disclosure evaluations of a criminal defendant's competency to stand trial unless (1) they are introduced at a competency hearing; (2) a participant in the hearing relies upon them as a basis for his testimony, to question witnesses, or

to make arguments to the court; or (3) the court makes findings based on them.

By law, the state, a defendant, or a court can raise the issue of a criminal defendant's competency to stand trial. If the court determines that the defendant should be examined, it may appoint a psychiatrist or order the mental health and addiction services commissioner to conduct the examination. The examiner must submit a written report to the court, which then holds a competency hearing.

§ 27 — Alternate Incarceration Program Assessments

By law, courts may order defendants convicted of certain felonies and any misdemeanor to participate in an alternative incarceration program instead of going to prison. If the court decides to consider the program for a defendant, it first must order the Judicial Branch's Court Support Services Division to assess the desirability of the placement. If the division recommends placement, it must submit a proposed alternative incarceration plan to the court. The court then decides whether to order a defendant into the program.

The bill requires the assessment report sealed when it is filed with the court. If the court orders the defendant to participate in the program, the report must be unsealed and open to the public.

§ 28 — Nuisance Abatement

By law, the state can commence an action to abate a public nuisance. The court may grant a temporary ex parte order to abate the nuisance if the state asks for it. The court must direct the state to notify the defendant and provide him with a copy of the ex parte order. At a court hearing a defendant may show why the abatement order should be modified or vacated. No such ex parte order may be granted unless it appears from the specific facts shown by affidavit and complaint that there is probable cause to believe that a public nuisance exists and the temporary relief requested is necessary to protect public health, welfare, or safety. The show cause hearing must be scheduled within five business days after service of the order.

The bill eliminates the court's discretion to seal the affidavit upon a finding that the state's interest in non-disclosure substantially outweighs the defendant's right to disclosure.

§ 29 — Access to Court Proceedings and Records

The bill extends, from 72 hours to three business days, the deadline for anyone to appeal a court order (1) banning them from a court session or (2) sealing or limiting the disclosure of any files, affidavits, documents, or other material on file with the court or filed in connection with a court proceeding. The extension, like the underlying law, does not apply to juvenile delinquency or youthful offender proceedings or records.

The bill extends the right to appeal to people banned from any other session or prohibited from accessing any other records that the court may lawfully prohibit people from attending or accessing, respectively.

§ 30 — AVAILABILITY OF STATE AGENCY REGULATIONS

The bill requires the Commission on Official Legal Publications to make all state agency regulations available to the public through the Internet. By law, the commission publishes and distributes state agency regulations. It publishes (1) in the Connecticut Law Journal at least each month the text of regulations adopted in the preceding month and (2) a compilation of state agency regulations adopted since October 27, 1970 at least semiannually.

The bill also requires the Executive, Legislative, and Judicial branches to include on their web sites links to compilations of effective regulations and text of recently-filed regulations.

BACKGROUND

State Referees

Any judge or senior judge, who reaches the mandatory retirement age of 70 automatically becomes a state referee, and by statute is eligible for reappointment as a state referee for the remainder of his or

her life. Although the law (CGS § 52-434) specifies that state referees may be reappointed “in the manner prescribed by law for the appointment of a judge of the court of which he is a member,” neither the Judicial Selection Commission nor the Judicial Branch has interpreted it as requiring referees to go through the Judicial Selection Commission’s process.

Freedom of Information Meeting and Agenda Requirements

State agencies must file notice of their regular meetings with the Office of the Secretary of the State by January 31st of each year. A special meeting may be called at least 24 hours before the meeting time by filing a notice. An emergency meeting may be held without complying with these notice requirements.

Where practicable, the agency must mail a notice of its meetings at least a week before the meeting date (or less, if the meeting is called on less than a week’s notice) to any person who has requested written notification. Notice of a special or emergency meeting must be delivered to members’ homes before the meeting. A member may waive this requirement at or before the meeting.

An agency must make its agenda for every regular meeting available at least 24 hours before the meeting.

Administrative Functions

What constitutes an “administrative function” was at issue in a recent state Supreme Court decision. In *Clerk of the Superior Court, Geographical Area Number Seven v. Freedom of Information Commission*, 278 Conn. 28 (2006), the Court held that records related to the branch’s adjudicatory functions are categorically exempt from disclosure and “administrative functions” are those relating to the branch’s budget, personnel, facilities, and physical operations of the courts.

Related Bill

sSB 1064 (File 308) contains the same definition of “administrative function.”

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/13/2007)