



General Assembly

February Session, 2008

Raised Bill No. 605

LCO No. 2698

02698_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING JUDICIAL BRANCH OPENNESS.

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

1 Section 1. Section 51-14 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2008*):

4 (a) The judges of the Supreme Court, the judges of the Appellate
5 Court, and the judges of the Superior Court shall adopt and
6 promulgate and may from time to time modify or repeal rules and
7 forms regulating pleading, practice and procedure and rules of
8 evidence in judicial proceedings in courts in which they have the
9 constitutional authority to make rules, for the purpose of simplifying
10 proceedings in the courts and of promoting the speedy and efficient
11 determination of litigation upon its merits. The rules of the Appellate
12 Court shall be as consistent as feasible with the rules of the Supreme
13 Court to promote uniformity in the procedure for the taking of appeals
14 and may dispense, so far as justice to the parties will permit while
15 affording a fair review, with the necessity of printing of records and
16 briefs. Such rules shall not abridge, enlarge or modify any substantive
17 right or the jurisdiction of any of the courts. [Subject to the provisions

18 of subsection (b) of this section, such rules shall become effective on
19 such date as the judges specify but not in any event until sixty days
20 after such promulgation.]

21 [(b) All statutes relating to pleading, practice and procedure in
22 existence on July 1, 1957, shall be deemed to be rules of court and shall
23 remain in effect as such only until modified, superseded or suspended
24 by rules adopted and promulgated by the judges of the Supreme Court
25 or the Superior Court pursuant to the provisions of this section. The
26 Chief Justice shall report any such rules to the General Assembly for
27 study at the beginning of each regular session. Such rules shall be
28 referred by the speaker of the House or by the president of the Senate
29 to the judiciary committee for its consideration and such committee
30 shall schedule hearings thereon. Any rule or any part thereof
31 disapproved by the General Assembly by resolution shall be void and
32 of no effect and a copy of such resolution shall thereafter be published
33 once in the Connecticut Law Journal.]

34 [(c)] (b) The judges or a committee of their number shall hold public
35 hearings, of which reasonable notice shall be given in the Connecticut
36 Law Journal and otherwise as they deem proper, upon any proposed
37 new rule or any change in an existing rule that is to come before said
38 judges for action, and each such proposed new rule or change in an
39 existing rule shall be published in the Connecticut Law Journal as a
40 part of such notice. A public hearing shall be held at least once a year,
41 of which reasonable notice shall likewise be given, at which any
42 member of the bar or layman may bring to the attention of the judges
43 any new rule or change in an existing rule that he deems desirable.

44 [(d) Upon the taking effect of such rules adopted and promulgated
45 by the judges of the Supreme Court pursuant to the provisions of this
46 section, all provisions of rules theretofore promulgated by the judges
47 of the Superior Court shall be deemed to be repealed.]

48 (c) Whenever the rules committee of the Superior Court or the
49 appellate rules committee proposes a new rule or a change in an

50 existing rule, the chairperson of the committee shall forward such
51 proposed new rule or change in an existing rule to the judiciary
52 committee of the General Assembly for review and comment. Not later
53 than thirty days after receipt of such proposed new rule or change in
54 an existing rule, the judiciary committee may forward any comments it
55 may have with respect to such proposed new rule or change in an
56 existing rule to the chairperson of the rules committee. Such
57 chairperson shall distribute any such comments to the judges of the
58 Superior Court, Appellate Court or Supreme Court, as the case may be,
59 at the meeting of such judges held to adopt such proposed new rule or
60 change in an existing rule.

61 (d) Any meeting of the judges of the Superior Court, Appellate
62 Court or Supreme Court held to adopt any proposed new rule or
63 change in an existing rule shall be held not less than thirty days after
64 such proposed rule or change was forwarded to the judiciary
65 committee of the General Assembly pursuant to subsection (c) of this
66 section. Any proposed new rule or change in an existing rule that is
67 adopted by such judges at such meeting shall be promptly forwarded
68 by the chairperson of the appropriate rules committee to the judiciary
69 committee of the General Assembly. Such rule or change shall not
70 become effective earlier than ninety days after the date it is forwarded
71 to the judiciary committee.

72 (e) Within said ninety-day period the judiciary committee may meet
73 to review such new rule or change in an existing rule. The judiciary
74 committee may vote to inform the judges in writing of any concerns it
75 may have with respect to the new rule or change in an existing rule
76 and that if the judges do not revise such new rule or change in an
77 existing rule, such rule or change shall not become effective until the
78 end of the next regular session of the General Assembly.

79 (f) If the judiciary committee informs the judges of concerns it has
80 with respect to a new rule or change in an existing rule as provided in
81 subsection (e) of this section, the judges may, not later than ninety days

82 thereafter, meet and reconsider their adoption of the new rule or
83 change in an existing rule. If the judges reconsider the adoption of
84 such rule or change and decide to make no revisions thereto, the
85 judges shall report such decision to the judiciary committee and such
86 rule or change shall not become effective until the end of the next
87 regular session of the General Assembly. If the judges reconsider the
88 adoption of such rule or change and decide to make revisions thereto,
89 the judges shall promptly forward the revised rule to the judiciary
90 committee. Such revised rule shall not become effective earlier than
91 thirty days after the date it is forwarded to the judiciary committee.

92 (g) Within said thirty-day period the judiciary committee may meet
93 to review such revised rule. If, within said thirty-day period, the
94 judiciary committee meets and votes to inform the judges that it has
95 concerns with the revised rule, the revised rule shall not become
96 effective until the end of the next regular session of the General
97 Assembly.

98 (h) Notwithstanding the provisions of subsections (c) to (g),
99 inclusive, of this section, the judges of the Superior Court, Appellate
100 Court or Supreme Court may adopt a new rule or a change in an
101 existing rule without complying with the procedures set forth in said
102 subsections if the judges determine that extraordinary circumstances
103 exist requiring the immediate adoption and promulgation of such rule
104 or change. Such rule or change shall become effective on such date as
105 the judges specify and shall be in effect for the period specified therein
106 but in no event for a period longer than one year from the date of its
107 adoption unless such rule or change is forwarded to the judiciary
108 committee of the General Assembly and the provisions of subsections
109 (c) to (g), inclusive, of this section are complied with.

110 Sec. 2. Section 51-44a of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2008*):

112 (a) There is established a Judicial Selection Commission comprised
113 of twelve members. Six of the members shall be attorneys-at-law and

114 six of the members shall not be attorneys-at-law. Not more than six of
115 the members shall belong to the same political party. None of the
116 members shall be an elected or appointed official of the state or hold
117 state-wide office in a political party.

118 (b) The members of the commission shall be appointed as follows:
119 The Governor shall appoint six members, one from each congressional
120 district and one at-large member, three of whom shall be attorneys-at-
121 law and three of whom shall not be attorneys-at-law; the president pro
122 tempore of the Senate shall appoint one member who shall be an
123 attorney-at-law; the speaker of the House of Representatives shall
124 appoint one member who shall not be an attorney-at-law; the majority
125 leader of the Senate shall appoint one member who shall not be an
126 attorney-at-law; the majority leader of the House of Representatives
127 shall appoint one member who shall be an attorney-at-law; the
128 minority leader of the Senate shall appoint one member who shall not
129 be an attorney-at-law; and the minority leader of the House of
130 Representatives shall appoint one member who shall be an attorney-at-
131 law.

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

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

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

140 (3) Members serving on June 26, 2003, shall continue to serve as
141 members until the end of their terms and, notwithstanding the
142 provisions of section 4-1, until their successors are appointed and have
143 qualified or ninety days after the completion of their terms, whichever
144 is earlier, except that members serving on June 26, 2003, who have

145 completed their terms and are serving until their successors are
146 appointed and have qualified shall, notwithstanding the provisions of
147 section 4-1, continue to serve until their successors are appointed and
148 have qualified, but not later than January 1, 2004.

149 (4) Any vacancy in the membership of the commission shall be filled
150 for the unexpired portion of the term by the appointing authority. The
151 members of the commission shall receive no compensation for their
152 services but shall be reimbursed for any necessary expenses incurred
153 in the performance of their duties.

154 (5) No member of the commission may serve consecutive terms,
155 except that if, on or after June 26, 2003, a person is appointed a
156 member of the commission to fill a vacancy and complete an
157 unexpired term, such person may serve an additional term. If a
158 commission member is an attorney, no member of the commission
159 member's firm may serve a term consecutive to such commission
160 member.

161 (e) The commission shall evaluate incumbent judges who seek
162 reappointment to the same court, and incumbent state referees who
163 seek reappointment, and shall forward to the Governor for
164 consideration the names of incumbent judges and state referees who
165 are recommended for reappointment as provided in this subsection.
166 The commission shall adopt regulations, in accordance with the
167 provisions of chapter 54, concerning criteria by which to evaluate
168 incumbent judges who seek reappointment to the same court [;
169 provided pending adoption of such regulations, the commission shall
170 use criteria established prior to June 22, 1989, for the evaluation of such
171 judges] and incumbent state referees who seek reappointment. In
172 evaluating the reappointment of an incumbent judge or state referee,
173 the commission shall consider the legal ability, competence, integrity,
174 character and temperament of such judge or state referee and any
175 other relevant information concerning such judge or state referee.
176 There shall be a presumption that each incumbent judge or state

177 referee who seeks reappointment to the same court qualifies for
178 retention in judicial office. The burden of rebutting such presumption
179 shall be on the commission. The commission shall investigate and
180 interview each incumbent judge and state referee who seeks
181 reappointment and, prior to the expiration of a term of office of such
182 judge or state referee, shall recommend such incumbent judge or state
183 referee for nomination for reappointment by the Governor [to the same
184 court] unless, as provided in this subsection, recommendation of such
185 judge or state referee is denied. If a preliminary examination indicates
186 further inquiry is necessary before a recommendation of
187 reappointment may be made, the commission shall hold a hearing
188 concerning the reappointment of such judge or state referee. The
189 commission shall send notice to the judge or state referee by certified
190 or registered mail, return receipt requested, not less than one hundred
191 eighty days prior to the convening of such legislative session which is
192 to consider the reappointment of the incumbent judge or state referee,
193 (A) that a hearing by the commission on such reappointment shall be
194 held and of the time, date and place of such hearing, which shall be not
195 less than thirty days [nor] or more than forty-five days after the date of
196 such notice, and (B) of specific claims made against the judge or state
197 referee. The commission shall make a record of all hearings conducted
198 pursuant to this subsection. The hearing may be open to the public at
199 the request of the judge or state referee. For the purposes of
200 conducting a hearing under this subsection, not less than ten members
201 of the commission shall be present and voting. A judge or state referee
202 appearing before such a hearing shall be entitled to counsel, to present
203 evidence and to cross-examine witnesses who appear voluntarily. No
204 judge or state referee shall be required to sign or execute any release in
205 order to proceed with the hearing. The commission shall, not later than
206 twenty days after the close of such hearing, render its decision whether
207 it shall recommend such incumbent judge or state referee for
208 nomination for reappointment by the Governor. Any affirmative vote
209 of a majority plus one of the members present and voting shall be
210 required to deny recommendation to the Governor for nomination of

211 an incumbent judge to the same court or an incumbent state referee. A
212 judge or state referee who has not received approval by the
213 commission may, within ten days after receipt of the notice of decision,
214 which shall include a record of the numerical vote, request a rehearing
215 on the grounds that the conclusions of the commission are contrary to
216 the evidence presented at the hearing or the commission failed to
217 comply with the procedural or substantive requirements of this
218 section. The decision of the commission shall be final. There shall be no
219 right of appeal by any judge or state referee appearing before the
220 commission, at law or in equity, or any resort to any court following
221 the decision of the commission.

222 (f) Except as provided in subsection (e) of this section, the
223 commission shall seek qualified candidates for consideration by the
224 Governor for nomination as judges for the Superior Court, Appellate
225 Court and Supreme Court. The commission shall adopt regulations, in
226 accordance with the provisions of chapter 54, concerning criteria by
227 which to evaluate the qualifications of candidates, including
228 incumbent judges who seek appointment to a different court. The
229 commission shall investigate and interview the candidates, including
230 incumbent judges seeking appointment to a different court. A list of
231 such qualified candidates shall be compiled by the commission. Such
232 list shall be confidential and not open to the public or subject to
233 disclosure, except that the names of qualified candidates for the
234 position of associate judge or Chief Justice of the Supreme Court shall
235 be available to the public.

236 (g) The commission shall establish and maintain an Internet web
237 site. The commission shall post on the web site the address and
238 telephone number of the commission's office, the electronic mail
239 address for the commission and information concerning the duties and
240 procedures of the commission. Such information shall include, but not
241 be limited to, the procedure for filing an application to become a judge
242 of the Superior Court, Appellate Court or Supreme Court and a copy
243 of the application form.

244 (h) The commission shall give notice of the time and place of its
245 meetings, and make the agendas for such meetings available to the
246 public, in accordance with the provisions of chapter 14, except that an
247 agenda made available to the public shall not contain any personally
248 identifiable information that might identify candidates, incumbent
249 judges seeking appointment to the same court or appointment to a
250 different court or incumbent state referees seeking reappointment. The
251 commission shall post such notices and agendas on its Internet web
252 site and provide such notices and agendas to the cochairpersons of the
253 joint standing committee of the General Assembly having cognizance
254 of matters relating to the judiciary.

255 [(g)] (i) In connection with any inquiry concerning the
256 reappointment of an incumbent judge or state referee, the commission
257 shall have the power to issue subpoenas requiring the attendance of
258 witnesses and the production of any books or papers which in the
259 judgment of the commission are relevant to the inquiry. The
260 commission may, upon request of the judge or state referee whose
261 reappointment is at issue, issue a subpoena on behalf of such judge or
262 state referee. If any person disobeys such process or, having appeared
263 in obedience thereto refuses to answer any pertinent question put to
264 [him] such person by the commission [,] or to produce any books and
265 papers pursuant thereto, the commission, on its own behalf or on
266 behalf of the judge or state referee, may apply to the superior court for
267 the judicial district of Hartford setting forth such disobedience to
268 process or refusal to answer, and [said] the court may cite such person
269 to appear before [said] the court to answer such question or to produce
270 such books and papers and, upon [his] such person's refusal [so] to do
271 so, shall commit [him] such person to a community correctional center,
272 there to remain until [he] such person so testifies.

273 [(h)] (j) (1) Judges of all courts, except those courts to which judges
274 are elected, shall be nominated by the Governor exclusively from the
275 list of candidates or incumbent judges submitted by the Judicial
276 Selection Commission. Any candidate or incumbent judge who is

277 nominated from such list by the Governor to be Chief Justice of the
278 Supreme Court, and who is appointed Chief Justice by the General
279 Assembly, shall serve a term of eight years from the date of
280 appointment. The Governor shall nominate a candidate for a vacancy
281 in a judicial position within forty-five days of the date the Governor
282 receives the recommendations of the commission. When considering
283 the nomination of an incumbent judge for reappointment to the same
284 court, the Governor may nominate the incumbent judge if the
285 commission did not deny recommendation for reappointment.
286 Whenever an incumbent judge is denied recommendation for
287 reappointment to the same court by the commission or is
288 recommended by the commission but not nominated by the Governor
289 for reappointment to the same court, or whenever a vacancy in a
290 judicial position occurs or is anticipated, the Governor shall choose a
291 nominee from the list of candidates compiled pursuant to subsection
292 (f) of this section.

293 (2) Notwithstanding the provisions of subdivision (1) of this
294 subsection and subsection (f) of this section, the Governor may
295 nominate an associate judge of the Supreme Court to be Chief Justice
296 of the Supreme Court without such judge being investigated and
297 interviewed by the commission and being on the list of qualified
298 candidates compiled and submitted to the Governor by the
299 commission. An associate judge of the Supreme Court who has been
300 nominated by the Governor to be Chief Justice of the Supreme Court in
301 accordance with this subdivision, and who is appointed Chief Justice
302 by the General Assembly, shall serve an initial term as Chief Justice
303 equal to the remainder of such judge's term as an associate judge of the
304 Supreme Court.

305 (3) When considering the nomination of an incumbent state referee
306 for reappointment, the Governor may nominate the incumbent state
307 referee if the commission did not deny recommendation for
308 reappointment.

309 [(i)] (k) A majority of the membership of the commission shall
310 constitute a quorum. The affirmative vote of at least a majority of the
311 members of the commission present and voting shall be required for
312 any action by the commission, except (1) an affirmative vote of at least
313 a majority plus one of the members present and voting shall be
314 required for a new nominee to be recommended to the Governor for
315 nomination as a judge or for an incumbent judge to be recommended
316 to the Governor for nomination as a judge to a different court, and (2)
317 an affirmative vote of a majority plus one of the members present and
318 voting shall be required to deny recommendation to the Governor for
319 nomination of an incumbent judge to the same court or for nomination
320 of a state referee for reappointment. No vote of the commission on a
321 new nominee shall be by secret ballot. The vote of the commission on
322 an incumbent judge or state referee may be by secret ballot. The total
323 affirmative and negative votes of the membership of the commission to
324 recommend an incumbent judge for reappointment to the same court
325 or appointment to a different court or to recommend an incumbent
326 state referee for reappointment shall be available to the public.

327 [(j)] (l) Except as provided in subsections (e), [and (m)] (f), (h), (k)
328 and (o) of this section, the investigations, deliberations, files and
329 records of the commission shall be confidential and shall not be open
330 to the public or subject to disclosure, except that the criteria by which
331 candidates, [or] incumbent judges who seek reappointment to the
332 same court or appointment to a different court or incumbent state
333 referees who seek reappointment are evaluated and the procedural
334 rules adopted by the commission shall be public.

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

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

341 [his] such member's tenure on the commission.

342 [(m)] (o) In January of each year, the chairperson of the commission
343 shall report to the joint standing committee [on] of the General
344 Assembly having cognizance of matters relating to the judiciary the
345 following information: (1) The number of candidates interviewed for
346 appointment as new nominees, the number of incumbent judges
347 interviewed for reappointment to the same court, [and] the number of
348 incumbent judges interviewed for appointment to a different court and
349 the number of incumbent state referees interviewed for reappointment,
350 (2) the number of candidates who were recommended and denied
351 recommendation to the Governor as new nominees, the number of
352 incumbent judges recommended and denied recommendation for
353 appointment to the same court, [and] the number of incumbent judges
354 recommended and denied recommendation for appointment to a
355 different court and the number of incumbent state referees
356 recommended and denied recommendation for reappointment, and (3)
357 the statistics regarding the race, gender, national origin, religion and
358 years of experience as members of the bar of all such candidates.

359 [(n)] (p) The commission [shall have the power to] may enter into
360 such contractual agreements as may be necessary for the discharge of
361 its duties concerning the investigation of candidates seeking
362 appointment to a judicial position, [and] incumbent judges seeking
363 reappointment to the same court or appointment to a different court
364 and incumbent state referees seeking reappointment, within the limits
365 of appropriated funds and in accordance with established procedures.

366 Sec. 3. Subsection (a) of section 51-50l of the general statutes is
367 repealed and the following is substituted in lieu thereof (*Effective*
368 *October 1, 2008*):

369 (a) Each senior judge who ceases to hold office as a senior judge
370 because of having reached the age of seventy years and who is an
371 elector and a resident of this state shall be a state referee for the
372 remainder of [his] such senior judge's term of office as a judge and

373 shall be eligible for appointment as a state referee during the
374 remainder of [his] such senior judge's life in the manner prescribed by
375 law for the appointment of a judge of the court of which [he] such
376 senior judge is a member, subject to the provisions of section 51-44a, as
377 amended by this act.

378 Sec. 4. Subsection (a) of section 52-434 of the general statutes is
379 repealed and the following is substituted in lieu thereof (*Effective*
380 *October 1, 2008*):

381 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
382 Court, each judge of the Superior Court and each judge of the Court of
383 Common Pleas who ceases or has ceased to hold office because of
384 retirement other than under the provisions of section 51-49 and who is
385 an elector and a resident of this state shall be a state referee for the
386 remainder of such judge's term of office as a judge and shall be eligible
387 for appointment as a state referee during the remainder of such judge's
388 life in the manner prescribed by law for the appointment of a judge of
389 the court of which such judge is a member, subject to the provisions of
390 section 51-44a, as amended by this act. The Superior Court may refer
391 any civil [,] nonjury case or with the written consent of the parties or
392 their attorneys, any civil jury case pending before the court in which
393 the issues have been closed to a judge trial referee who shall have and
394 exercise the powers of the Superior Court in respect to trial, judgment
395 and appeal in the case, and any proceeding resulting from a demand
396 for a trial de novo pursuant to subsection (e) of section 52-549z may be
397 referred without the consent of the parties to a judge trial referee who
398 has been specifically designated to hear such proceedings pursuant to
399 subsection (b) of this section. The Superior Court may, with the
400 consent of the parties or their attorneys, refer any criminal case to a
401 judge trial referee who shall have and exercise the powers of the
402 Superior Court in respect to trial, judgment, sentencing and appeal in
403 the case, except that the Superior Court may, without the consent of
404 the parties or their attorneys, (A) refer any criminal case, other than a
405 criminal jury trial, to a judge trial referee assigned to a geographical

406 area criminal court session, and (B) refer any criminal case, other than
407 a class A or B felony or capital felony, to a judge trial referee to preside
408 over the jury selection process and any voir dire examination
409 conducted in such case, unless good cause is shown not to refer.

410 (2) Each judge of the Circuit Court who has ceased to hold office
411 because of retirement other than under the provisions of section 51-49
412 and who is an elector and a resident of this state shall be a state referee
413 for the remainder of such judge's term of office as a judge and shall be
414 eligible for appointment as a state referee during the remainder of such
415 judge's life in the manner prescribed by law for the appointment of a
416 judge of the court of which such judge is a member, subject to the
417 provisions of section 51-44a, as amended by this act, to whom the
418 Superior Court may, with the written consent of the parties or their
419 attorneys, refer any case pending in court in which the issues have
420 been closed and which the judges of the Superior Court may establish
421 by rule to be the kind of case which may be heard by such referees
422 who have been appointed judge trial referees pursuant to subsection
423 (b) of this section. The judge trial referee shall hear any such case so
424 referred and report the facts to the court by which the case was
425 referred.

426 (3) Each judge of the Juvenile Court who ceases or has ceased to
427 hold office because of retirement other than under the provisions of
428 section 51-49 and who is an elector and a resident of this state shall be
429 a state referee for the remainder of such judge's term of office as a
430 judge and shall be eligible for appointment as a state referee during the
431 remainder of such judge's life in the manner prescribed by law for the
432 appointment of a judge of the court of which such judge is a member,
433 subject to the provisions of section 51-44a, as amended by this act, to
434 whom a judge before whom any juvenile matter is pending may, with
435 the written consent of the child concerned, either of such child's
436 parents, or such child's guardian or attorney, refer any juvenile matter
437 pending, provided such referee has been appointed a judge trial
438 referee specifically designated to hear juvenile cases pursuant to

439 subsection (b) of this section. The judge trial referee shall hear any
440 matter so referred and report the facts to the court for the district from
441 which the matter was referred.

442 (4) In addition to the judge trial referees who are appointed
443 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
444 Justice may appoint, from qualified members of the bar of the state,
445 who are electors and residents of this state, as many state referees as
446 the Chief Justice may from time to time deem advisable or necessary.
447 No appointment of a member of the bar may be for a term of more
448 than three years. Notwithstanding the provisions of subsection (f) of
449 this section, state referees appointed by the Chief Justice from
450 members of the bar shall receive such reasonable compensation and
451 expenses as may be determined by the Chief Justice. The Superior
452 Court may appoint a state referee pursuant to this subdivision to take
453 such evidence as it directs in any civil [] nonjury case including, but
454 not limited to, appeals under section 8-8 of the 2008 supplement to the
455 general statutes. Any such state referee shall report on such evidence
456 to the court with any findings of fact. The report shall constitute a part
457 of the proceeding upon which the determination of the court shall be
458 made.

459 Sec. 5. Section 51-51k of the 2008 supplement to the general statutes
460 is repealed and the following is substituted in lieu thereof (*Effective*
461 *October 1, 2008*):

462 (a) There is hereby established a Judicial Review Council to be
463 composed of the following members: (1) Three judges of the Superior
464 Court, who are not also judges of the Supreme Court, who shall be
465 appointed by the Governor, from a list of six judges selected by the
466 members of the Superior Court, with the approval of the General
467 Assembly, (2) three attorneys-at-law admitted to practice in this state,
468 who shall be appointed by the Governor with the approval of the
469 General Assembly, (3) six persons who are not judges or attorneys-at-
470 law, who shall be appointed by the Governor with the approval of the

471 General Assembly, and (4) thirteen alternate members who shall be
472 appointed by the Governor with the approval of the General
473 Assembly, as follows: (A) Two judges of the Superior Court who are
474 not also judges of the Supreme Court, from a list of four judges
475 selected by the members of the Superior Court, (B) two attorneys-at-
476 law admitted to practice in this state, (C) three persons who are not
477 judges or attorneys-at-law, (D) three compensation commissioners,
478 and (E) three family support magistrates.

479 (b) An alternate member who is a judge, attorney-at-law or person
480 who is not a judge or attorney-at-law shall serve at probable cause
481 hearings and public hearings in lieu of a member who is a judge,
482 attorney-at-law or person who is not a judge or attorney-at-law,
483 respectively, when such member is absent or disqualified, as
484 designated by the executive director of the council. An alternate
485 member who is a compensation commissioner shall serve as a member
486 of the council in lieu of one of the members who is a judge of the
487 Superior Court, as designated by the executive director, when the
488 subject of a complaint or investigation is a compensation
489 commissioner. An alternate member who is a family support
490 magistrate shall serve as a member of the council in lieu of one of the
491 members who is a judge of the Superior Court, as designated by the
492 executive director, when the subject of a complaint or investigation is a
493 family support magistrate. An alternate member shall have the same
494 power as the member he or she is temporarily replacing during the
495 absence or disqualification of the member.

496 (c) On and after December 1, 1992, members shall be appointed in
497 accordance with subsection (a) of this section as follows: One judge
498 shall be appointed for a term of two years, one judge shall be
499 appointed for a term of three years and one judge shall be appointed
500 for a term of four years; one attorney shall be appointed for a term of
501 two years, one attorney shall be appointed for a term of three years
502 and one attorney shall be appointed for a term of four years; two lay
503 members shall be appointed for terms of two years, two lay members

504 shall be appointed for terms of three years, and two lay members shall
505 be appointed for terms of four years. Thereafter, members shall serve
506 for terms of four years. Members may continue in office until a
507 successor is appointed and qualified. No member appointed on or
508 after December 1, 1992, may serve consecutive terms, and if the
509 member is an attorney, no member of his or her firm may serve a term
510 consecutive to such member, provided no member may serve for more
511 than two terms. Vacancies on the council shall be filled for the
512 unexpired portion of any term in the same manner as the original
513 appointment. Any member who is a judge, family support magistrate
514 or compensation commissioner and retires from full-time active service
515 as a judge, family support magistrate or compensation commissioner
516 shall automatically cease to be a member of the council, and a vacancy
517 shall be deemed to occur. Alternate members shall be appointed for
518 terms of three years and shall not serve consecutive terms as alternate
519 members.

520 (d) No member of the council, except a judge, family support
521 magistrate or compensation commissioner, may hold any elected or
522 appointed position with compensation within the state or United
523 States, or be a selectman or chief executive officer of any municipality,
524 or a full or part-time employee of the Judicial Department or Workers'
525 Compensation Commission, or a member of a national or state central
526 committee, or a chairperson of any political party.

527 (e) (1) The Judicial Review Council shall employ an executive
528 director and such other staff as is necessary for the performance of its
529 functions and duties.

530 (2) The executive director may investigate any complaint filed
531 pursuant to section 51-51l, as amended by this act, and present
532 evidence obtained pursuant to any such investigation to the council.

533 (f) The Judicial Review Council shall develop a concise brochure
534 written in plain language to provide the public with information
535 concerning the purpose, authority, jurisdiction and process of the

536 Judicial Review Council. The council shall distribute the brochure to all
537 court administrative offices and to any person who files a complaint
538 pursuant to section 51-51l, as amended by this act.

539 (g) The Judicial Review Council shall establish and maintain an
540 Internet web site. The council shall post on the web site the address
541 and telephone number of the council's office, the electronic mail
542 address for the council and information concerning the purpose,
543 authority, jurisdiction and process of the council. Such information
544 shall include, but not be limited to, the procedure for filing a complaint
545 against a judge, compensation commissioner or family support
546 magistrate, a copy of the complaint form, the statutory grounds for the
547 censure, suspension or removal from office of a judge, compensation
548 commissioner or family support magistrate, the code of judicial
549 conduct or a link thereto, relevant statutory and regulatory provisions
550 or a link thereto, the process of investigating and disposing of
551 complaints and the dispositions available to the council.
552 Notwithstanding the availability of the complaint form on the web site,
553 no complaint may be filed electronically. The judicial branch web site
554 shall include a link to the Judicial Review Council web site under the
555 heading "Complaints against Judges".

556 (h) The council shall give notice of the time and place of its
557 meetings, and make the agendas for such meetings available to the
558 public, in accordance with the provisions of chapter 14, except that an
559 agenda made available to the public shall not contain any personally
560 identifiable information that might identify the respondent unless the
561 meeting takes place after the council has found that probable cause
562 exists that the respondent is guilty of conduct under section 51-51i. The
563 council shall post such notices and agendas on its Internet web site and
564 provide such notices and agendas to the cochairpersons of the joint
565 standing committee of the General Assembly having cognizance of
566 matters relating to the judiciary.

567 (i) Upon the request of any person subject to the provisions of this

568 chapter and the concurring vote of a majority of the members of the
569 council present and voting, the council shall issue advisory opinions
570 with regard to whether conduct contemplated by such person would
571 be conduct under section 51-51i that could subject such person to
572 admonishment, censure, suspension or removal from office under this
573 chapter. The council shall publish such advisory opinions in the
574 Connecticut Law Journal. Advisory opinions rendered by the council,
575 until amended or revoked, shall be binding on the council and shall be
576 deemed to be final decisions of the council for purposes of appeal to
577 the Supreme Court. The Supreme Court shall uphold the decision of
578 the council in issuing the advisory opinion unless it finds that the
579 decision was arbitrary, capricious or characterized by abuse of
580 discretion or clearly unwarranted exercise of discretion. Any advisory
581 opinion concerning any person subject to the provisions of this chapter
582 who requested the opinion and who acted in reliance thereon, in good
583 faith, shall be binding upon the council, and it shall be an absolute
584 defense in any proceeding brought under the provisions of this chapter
585 that the respondent acted in reliance upon such advisory opinion.

586 [(g)] (j) The Judicial Review Council shall submit to the Governor,
587 the Judicial Department, the joint standing committee of the General
588 Assembly having cognizance of matters relating to the Judicial Review
589 Council, and the judges of the Superior Court annually on or before
590 September first, a report of its activities for the previous fiscal year,
591 including the number of complaints received and the number of each
592 type of complaint disposition, including the number of dismissals, the
593 number of admonishments and the number of cases in which probable
594 cause was found.

595 [(h)] (k) The Commissioner of Public Works shall provide the
596 Judicial Review Council office space for the conduct of duties of the
597 council.

598 [(i)] (l) The Judicial Review Council shall adopt regulations₂ in
599 accordance with the provisions of chapter 54₂ to establish rules and

600 procedures for the council in the discharge of its duties under this
601 chapter and to provide standards for the identification of and
602 procedures for the treatment of conflicts of interest for council
603 members, which standards shall require that any professional or
604 ethical codes of conduct shall apply to any professional member of the
605 council subject to such codes of conduct.

606 Sec. 6. Section 51-51*l* of the general statutes is repealed and the
607 following is substituted in lieu thereof (*Effective October 1, 2008*):

608 (a) Except as provided in subsection (d) of this section, the Judicial
609 Review Council shall investigate every written complaint brought
610 before it alleging conduct under section 51-51*i*, and may initiate an
611 investigation of any judge, compensation commissioner or family
612 support magistrate if (1) the council has reason to believe conduct
613 under section 51-51*i* has occurred, or (2) previous complaints indicate a
614 pattern of behavior which would lead to a reasonable belief that
615 conduct under section 51-51*i* has occurred. The council shall, not later
616 than five days after such initiation of an investigation or receipt of such
617 complaint, notify by registered or certified mail any judge,
618 compensation commissioner or family support magistrate under
619 investigation or against whom such complaint is filed. A copy of any
620 such complaint shall accompany such notice. The council shall also
621 notify the complainant of its receipt of such complaint not later than
622 five days thereafter. Any investigation to determine whether or not
623 there is probable cause that conduct under section 51-51*i* has occurred
624 shall be confidential and any individual called by the council for the
625 purpose of providing information shall not disclose [his] such
626 individual's knowledge of such investigation to a third party prior to
627 the decision of the council on whether probable cause exists, unless the
628 respondent requests that such investigation and disclosure be open,
629 [provided] except that (A) information known or obtained
630 independently of any such investigation shall not be confidential, and
631 (B) the council may, upon request and after providing the judge,
632 compensation commissioner or family support magistrate who is the

633 subject of the complaint an opportunity to be heard, disclose that a
634 complaint has been filed if the council determines that (i) the essential
635 facts underlying the complaint have been widely made public, and (ii)
636 the public interest requires such disclosure. The judge, compensation
637 commissioner or family support magistrate shall have the right to
638 appear and be heard and to offer any information which may tend to
639 clear [him] such judge, compensation commissioner or family support
640 magistrate of probable cause to believe he or she is guilty of conduct
641 under section 51-51i. The judge, compensation commissioner or family
642 support magistrate shall also have the right to be represented by legal
643 counsel and examine and cross-examine witnesses. In conducting its
644 investigation under this subsection, the council may request that a
645 court furnish to the council a record or transcript of court proceedings
646 made or prepared by a court reporter, assistant court reporter or
647 monitor and the court shall, upon such request, furnish such record or
648 transcript.

649 (b) The Judicial Review Council shall, not later than three business
650 days after the termination of such investigation, notify the
651 complainant, if any, and the judge, compensation commissioner or
652 family support magistrate that the investigation has been terminated
653 and the results thereof. If the council finds that conduct under section
654 51-51i has not occurred, but the judge, compensation commissioner or
655 family support magistrate has acted in a manner which gives the
656 appearance of impropriety or constitutes an unfavorable judicial or
657 magisterial practice, the council may issue an admonishment to the
658 judge, compensation commissioner or family support magistrate
659 recommending a change in judicial or magisterial conduct or practice.
660 If an admonishment is issued, the council shall (1) notify the joint
661 standing committee of the General Assembly having cognizance of
662 matters relating to the judiciary that an admonishment was issued and
663 provide said committee with the substance of the admonishment,
664 including copies of the complaint file, and (2) inform the complainant,
665 if any, that an admonishment was issued if the admonishment is the
666 result of misconduct alleged in the complaint. [Except as provided in

667 subdivision (1) of this subsection, the] The substance of the
668 admonishment shall [not be disclosed to any person or organization]
669 be a matter of public record.

670 (c) If a preliminary investigation indicates that probable cause exists
671 that the judge, compensation commissioner or family support
672 magistrate is guilty of conduct under section 51-51i, the council shall
673 hold a hearing concerning the conduct or complaint. All hearings held
674 pursuant to this subsection shall be open. A judge, compensation
675 commissioner or family support magistrate appearing before such a
676 hearing shall be entitled to counsel, to present evidence and to cross-
677 examine witnesses. The council shall make a record of all proceedings
678 pursuant to this subsection. After all evidence and arguments have
679 been presented at such hearing, the council shall determine whether
680 the judge, compensation commissioner or family support magistrate is
681 guilty of conduct under section 51-51i. The council shall not later than
682 thirty days after the close of such hearing publish its findings together
683 with a memorandum of its reasons therefor. The entire record of the
684 proceedings pursuant to this subsection including any complaint,
685 transcripts and statements and other documents introduced into
686 evidence during such proceedings shall be open for public inspection,
687 except that any information that would be exempt from disclosure
688 under subsection (b) of section 1-210 shall be removed or redacted.

689 (d) No complaint against a judge, compensation commissioner or
690 family support magistrate alleging conduct under section 51-51i shall
691 be brought under this section but within one year from the date the
692 alleged conduct occurred or was discovered or in the exercise of
693 reasonable care should have been discovered, except that no such
694 complaint may be brought more than three years from the date the
695 alleged conduct occurred.

696 (e) Notwithstanding the provisions of subsections (a) and (b) of this
697 section, the council shall disclose any information concerning
698 complaints received by the council on and after January 1, 1978,

699 investigations, and disposition of such complaints to the legislative
700 program review and investigations committee when requested by the
701 committee in the course of its functions, in writing and upon a
702 majority vote of the committee, provided no names or other
703 identifying information shall be disclosed.

704 (f) On and after December 19, 1991, any judge, compensation
705 commissioner or family support magistrate who has been the subject
706 of an investigation by the Judicial Review Council as a result of a
707 complaint brought before [such] the council may request that such
708 complaint, investigation and the disposition of such complaint be open
709 to public inspection.

710 (g) Whenever a complaint against a judge, compensation
711 commissioner or family support magistrate is pending before the
712 Judicial Review Council within the final year of the term of office of
713 such judge, compensation commissioner or family support magistrate,
714 the Judicial Review Council shall designate such complaint as
715 privileged and shall conduct an expedited investigation and hearing so
716 that its duties with respect to such complaint are completed in
717 sufficient time to enable the Judicial Review Council to [make its
718 recommendation concerning any such judge to the Judicial Selection
719 Commission and] submit its report concerning such complaint to the
720 Governor, the Judicial Selection Commission and the joint standing
721 committee of the General Assembly having cognizance of matters
722 relating to the judiciary, as required under section 51-51q, as amended
723 by this act, in a timely manner.

724 Sec. 7. Subsection (a) of section 51-51m of the general statutes is
725 repealed and the following is substituted in lieu thereof (*Effective*
726 *October 1, 2008*):

727 (a) The Judicial Review Council may take any action upon a
728 majority vote of its members present and voting, except that twelve
729 members of the Judicial Review Council shall constitute a quorum for
730 any action to publicly censure a judge, compensation commissioner or

731 family support magistrate, suspend a judge, compensation
732 commissioner or family support magistrate for any period, refer the
733 matter to the Supreme Court with a recommendation that a judge or
734 family support magistrate be suspended for a period longer than one
735 year, [or] refer the matter to the Supreme Court with a
736 recommendation that a judge or family support magistrate be removed
737 from office or to the Governor with a recommendation that a
738 compensation commissioner be removed from office or impose a civil
739 penalty on a judge, compensation commissioner or family support
740 magistrate and the concurring vote of seven of such members shall be
741 required.

742 Sec. 8. Subsection (a) of section 51-51n of the general statutes is
743 repealed and the following is substituted in lieu thereof (*Effective*
744 *October 1, 2008*):

745 (a) The Judicial Review Council may, after a hearing pursuant to
746 subsection (c) of section 51-51l, as amended by this act, (1) publicly
747 censure the judge, compensation commissioner or family support
748 magistrate, (2) suspend the judge, compensation commissioner or
749 family support magistrate for a definite term not to exceed one year,
750 (3) refer the matter to the Supreme Court with a recommendation that
751 the judge or family support magistrate be suspended for a period
752 longer than one year, (4) refer the matter to the Supreme Court with a
753 recommendation that the judge or family support magistrate be
754 removed from office or to the Governor with a recommendation that
755 the compensation commissioner be removed from office, or (5)
756 exonerate the judge, compensation commissioner or family support
757 magistrate of all charges. In addition to imposing discipline under
758 subdivision (1) or (2) of this subsection, the council may impose a civil
759 penalty of not more than ten thousand dollars per violation.

760 Sec. 9. Section 51-51q of the general statutes is repealed and the
761 following is substituted in lieu thereof (*Effective October 1, 2008*):

762 (a) (1) [The] Whenever a judge is nominated for appointment to a

763 different court or for reappointment, the Judicial Review Council shall
764 submit [its recommendations concerning the nomination for
765 appointment to a different court of any judge or nomination for
766 reappointment of any judge whose term of office is about to expire,
767 including] a report of any complaint filed against [any] such judge and
768 the disposition of any such complaint, [and] including any
769 investigation of any such judge by the council, to the Governor, to the
770 Judicial Selection Commission and to the joint standing committee of
771 the General Assembly having cognizance of matters relating to the
772 judiciary, provided the Judicial Selection Commission shall not
773 consider any investigation of the Judicial Review Council which
774 resulted in the exoneration of a judge.

775 (2) In addition to the information required to be submitted under
776 subdivision (1) of this subsection, the Judicial Review Council shall
777 make all complaint files concerning any such judge available to the
778 joint standing committee of the General Assembly having cognizance
779 of matters relating to the judiciary. Notwithstanding any provision of
780 the general statutes, if the disposition of a complaint filed against any
781 such judge involved the issuance of an admonishment to or the public
782 censure or suspension of such judge, (A) no information pertaining to
783 the complaint and the investigation and disposition of such complaint
784 may be removed, redacted or otherwise withheld by the Judicial
785 Review Council prior to making such complaint files available to said
786 committee as required by this subdivision, and (B) the Judicial Review
787 Council shall provide to said committee any information, including,
788 but not limited to, any confidential information, in its possession
789 concerning such judge that may be requested in writing by the
790 cochairpersons of said committee. Such information shall be provided
791 to said committee not later than three business days following the date
792 the request is received by the Judicial Review Council. Any
793 confidential information provided to said committee as required by
794 this subdivision shall not be further disclosed to any person or
795 organization.

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

805 (b) The Judicial Review Council shall submit [its recommendations
806 concerning the reappointment of any family support magistrate whose
807 term of office is about to expire, including] a report of any complaint
808 filed against any family support magistrate whose term of office is
809 about to expire and the disposition of any such complaint, including
810 any investigation of any such magistrate by the council, to the
811 Governor.

812 (c) The Judicial Review Council shall submit [its recommendations
813 concerning the nomination for reappointment of any compensation
814 commissioner whose term of office is about to expire, including] a
815 report of any complaint filed against any compensation commissioner
816 whose term of office is about to expire and the disposition of such
817 complaint, including any investigation of such compensation
818 commissioner by the council, to the Governor and to the joint standing
819 committee of the General Assembly having cognizance of matters
820 relating to the judiciary. The Judicial Review Council shall provide
821 information to said committee concerning [any complaint filed against
822 such compensation commissioner and the investigation and
823 disposition of such complaint,] such complaint, disposition and
824 investigation including, but not limited to, confidential information, in
825 the same manner and subject to the same requirements as information
826 provided under subdivisions (1) and (2) of subsection (a) of this
827 section.

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

840 Sec. 10. Section 51-51r of the general statutes is repealed and the
841 following is substituted in lieu thereof (*Effective October 1, 2008*):

842 Any judge or family support magistrate aggrieved by any decision
843 of the Judicial Review Council may appeal the decision to the Supreme
844 Court in accordance with such procedure for the appeal as the
845 Supreme Court shall adopt by rule. In reviewing the factual findings of
846 the council, the Supreme Court shall ascertain whether there was
847 substantial evidence to support those findings and in reviewing the
848 legal conclusions of the council, the Supreme Court shall conduct a de
849 novo review.

850 Sec. 11. Section 51-1b of the general statutes is repealed and the
851 following is substituted in lieu thereof (*Effective July 1, 2008*):

852 (a) The Chief Justice of the Supreme Court shall be the head of the
853 Judicial Department and shall be responsible for its administration.

854 (b) The Chief Justice shall appoint a Chief Court Administrator who
855 shall serve at the pleasure of the Chief Justice and for a term
856 coterminous with the term of the Chief Justice. If the Chief Court
857 Administrator is a judge of the Superior Court, Appellate Court or
858 Supreme Court, cessation of his or her service as Chief Court

859 Administrator shall not affect his or her term as judge of the Superior
860 Court, Appellate Court or Supreme Court.

861 Sec. 12. Section 45a-74 of the general statutes is repealed and the
862 following is substituted in lieu thereof (*Effective July 1, 2008*):

863 [(a) There shall be a Probate Court Administrator who shall be
864 appointed from among the judges of the several courts of probate by
865 the Chief Justice of the Supreme Court to serve at his pleasure. If the
866 Probate Court Administrator is unable by reason of sickness, absence
867 or other disability to perform the duties of his office, or if there is a
868 vacancy in the office of Probate Court Administrator, the Chief Justice
869 shall designate another judge of a court of probate to act in his stead
870 until he resumes his duties or until a new Probate Court Administrator
871 is appointed.]

872 (a) On and after the effective date of this section, the Chief Justice of
873 the Supreme Court shall nominate for appointment by the General
874 Assembly a Probate Court Administrator. The nominee shall be a
875 judge of probate, a former judge of probate or an attorney having at
876 least eight years experience in probate law. The Probate Court
877 Administrator shall serve at the pleasure of the Chief Justice for a term
878 coterminous with the term of the Chief Justice and until a successor is
879 appointed and has qualified. If the Probate Court Administrator is a
880 judge of probate, cessation of his or her service as Probate Court
881 Administrator shall not affect his or her term as judge of probate.

882 (b) The Probate Court Administrator shall devote full time to the
883 duties of [his] the office except that he or she may serve as a judge of
884 probate but shall not engage in the private practice of law. Any
885 Probate Court Administrator who ceases to serve as a judge of probate
886 may continue to serve as Probate Court Administrator at the pleasure
887 of the Chief Justice.

888 (c) A nomination made by the Chief Justice to the General Assembly
889 for appointment of a Probate Court Administrator shall be referred,

890 without debate, to the committee on the judiciary, which shall report
891 thereon within thirty legislative days from the time of reference, but no
892 later than seven legislative days before the adjourning of the General
893 Assembly.

894 (d) No vacancy in the position of Probate Court Administrator shall
895 be filled by the Chief Justice when the General Assembly is not in
896 session unless, prior to such filling, the Chief Justice submits the name
897 of the proposed vacancy appointee to the committee on the judiciary.
898 Within forty-five days, the committee on the judiciary may, upon the
899 call of either chairperson, hold a special meeting for the purpose of
900 approving or disapproving such proposed vacancy appointee by
901 majority vote. The proposed vacancy appointee shall not begin service
902 as Probate Court Administrator until the committee has approved such
903 proposed vacancy appointee. If the committee determines that it
904 cannot complete its investigation and act on such proposed vacancy
905 appointee within such forty-five-day period, it may extend such period
906 by an additional fifteen days. The committee shall notify the Chief
907 Justice in writing of any such extension. Failure of the committee to act
908 on such proposed vacancy appointee within such forty-five-day period
909 or any fifteen-day extension period shall be deemed to be an approval.

910 Sec. 13. (NEW) (*Effective July 1, 2008*) For purposes of subparagraph
911 (A) of subdivision (1) of section 1-200 of the general statutes and
912 subdivision (1) of subsection (a) of section 1-212 of the general statutes,
913 "administrative functions" means (1) all matters not directly related to
914 judicial decision-making in court cases, and (2) those matters that
915 relate to the management of the internal institutional machinery of the
916 judicial branch including, but not limited to, budgeting, accounting,
917 rule-making, personnel, facilities, physical operations, docketing and
918 scheduling.

919 Sec. 14. (NEW) (*Effective July 1, 2008*) (a) Whenever the Office of the
920 Chief Court Administrator receives a complaint concerning the
921 conduct of a judge, the Chief Court Administrator shall, in addition to

922 any administrative reasons for reviewing such complaint, review such
923 complaint to determine if there is reason to believe that the allegations
924 warrant further investigation by the Judicial Review Council. If the
925 Chief Court Administrator determines that such further investigation
926 is warranted, he or she shall refer such complaint to the Judicial
927 Review Council for investigation and action in accordance with
928 chapter 872a of the general statutes.

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

934 (c) If the Chief Court Administrator, in consultation with the Chief
935 Justice, determines that the complaint warrants administrative action,
936 but does not rise to the level that is appropriate for referral to the
937 Judicial Review Council, the Chief Court Administrator may issue an
938 admonishment in accordance with section 51-45a of the general
939 statutes.

940 Sec. 15. (NEW) (*Effective July 1, 2008*) The judicial branch shall make
941 the criminal docket of the Superior Court, including the docket
942 number, name of the defendant, year of birth of the defendant and
943 charge, available to the public on its Internet web site.

944 Sec. 16. (NEW) (*Effective October 1, 2008*) The judicial branch shall
945 make conviction information, as defined in section 54-142g of the
946 general statutes, available to the public on its Internet web site. Such
947 information shall include the docket number of the case, name of the
948 defendant, year of birth of the defendant, date of arrest, charges and
949 disposition including any fine, term of imprisonment and term of
950 probation imposed by the court, but shall not include the address or
951 motor vehicle operator license number of the defendant. Such
952 information shall be searchable by name of defendant, year of birth of
953 defendant and docket number. Conviction information with respect to

954 misdemeanors shall not be available to the public on the judicial
955 branch or other public agency web site after five years from the date of
956 the conviction.

957 Sec. 17. (NEW) (*Effective July 1, 2008*) Any police report used during
958 a court hearing as the basis for a judicial determination of probable
959 cause, whether or not probable cause has been found, shall be made
960 part of the court file and be open to the public unless the court, on
961 motion of any party or on its own motion, orders, for good cause
962 shown, all or a portion of the report to be sealed for a period of seven
963 days. If such motion is granted, the moving party may make a
964 recommendation not later than seven days after such order as to the
965 details of the sealing order, including the duration thereof. If no such
966 recommendation is made, the report shall be made public after said
967 seven-day period.

968 Sec. 18. Subsection (c) of section 19a-343a of the general statutes is
969 repealed and the following is substituted in lieu thereof (*Effective July*
970 *1, 2008*):

971 (c) If in the application, the state requests the issuance of a
972 temporary ex parte order for the abatement of a public nuisance, the
973 court [] or, if the court is not in session, any judge of the Superior
974 Court, may grant a temporary ex parte order to abate the public
975 nuisance. The court or judge shall direct the state to give notice and
976 service of such documents, including a copy of the ex parte order, in
977 accordance with subsection (b) of this section. At such hearing, any
978 defendant may show cause why the abatement order shall be modified
979 or vacated. No such ex parte order may be granted unless it appears
980 from the specific facts shown by affidavit and by complaint that there
981 is probable cause to believe that a public nuisance exists and the
982 temporary relief requested is necessary to protect the public health,
983 welfare or safety. Such show cause hearing shall be scheduled within
984 five business days after service is effected by the state. [The affidavit
985 may be ordered sealed by the court or judge upon a finding that the

986 state's interest in nondisclosure substantially outweighs the
987 defendant's right to disclosure.] A copy of the state's application and
988 the temporary order to cease and desist shall be posted on any outside
989 door to any building on the real property.

990 Sec. 19. Section 51-164x of the general statutes is repealed and the
991 following is substituted in lieu thereof (*Effective July 1, 2008*):

992 (a) Any person affected by a court order which prohibits any person
993 from attending any session of court, except any session of court
994 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or
995 any other provision of the general statutes under which the court is
996 authorized to close proceedings, whether at a pretrial or trial stage,]
997 shall have the right to the review of such order by the filing of a
998 petition for review with the Appellate Court [within seventy-two
999 hours from] not later than three business days after the issuance of
1000 such court order.

1001 (b) No order subject to review pursuant to subsection (a) of this
1002 section shall be effective until [seventy-two hours] the fourth business
1003 day after it has been issued, and the timely filing of any petition for
1004 review shall stay the order.

1005 (c) Any person affected by a court order that seals or limits the
1006 disclosure of any files, affidavits, documents or other material on file
1007 with the court or filed in connection with a court proceeding, except (1)
1008 any order issued pursuant to section 46b-11 or 54-33c, [or any other
1009 provision of the general statutes under which the court is authorized to
1010 seal or limit the disclosure of files, affidavits, documents or materials,
1011 whether at a pretrial or trial stage] as amended by this act, and (2) any
1012 order issued pursuant to a court rule that seals or limits the disclosure
1013 of any affidavit in support of an arrest warrant, shall have the right to
1014 the review of such order by the filing of a petition for review with the
1015 Appellate Court [within seventy-two hours from] not later than three
1016 business days after the issuance of such court order.

1017 (d) The Appellate Court shall provide an expedited hearing on such
1018 petitions filed pursuant to subsections (a) and (c) of this section in
1019 accordance with such rules as the judges of the Appellate Court may
1020 adopt, consistent with the rights of the petitioner and the parties to the
1021 case.

1022 Sec. 20. Section 4-173 of the general statutes is repealed and the
1023 following is substituted in lieu thereof (*Effective July 1, 2008*):

1024 (a) The Commission on Official Legal Publications shall publish and
1025 distribute a compilation of all effective regulations adopted by all state
1026 agencies subsequent to October 27, 1970, except regulations adopted
1027 pursuant to subsection (f) of section 4-168 of the 2008 supplement to
1028 the general statutes. Such publication may be a supplement to or
1029 revision of the most current compilation, and shall be published at
1030 least semiannually. The Commission on Official Legal Publications
1031 may omit from such compilation (1) any regulation that is
1032 incorporated by reference into a Connecticut regulation and published
1033 by or otherwise available in printed form from a federal agency, a
1034 government agency of another state or a commercial publishing
1035 company, (2) any regulation that is too expensive to publish, or (3) any
1036 regulation the publication of which would be unduly cumbersome. If
1037 the commission omits a regulation from the compilation, it shall
1038 publish in the compilation a notice identifying the omitted regulation,
1039 stating the general subject matter of the regulation and stating an
1040 address, telephone number and any other information needed to
1041 obtain a copy of the regulation. Such address and telephone number
1042 shall be kept current in each semiannual publication of the
1043 compilation. The commission shall publish any regulation that has
1044 been omitted from publication under subdivision (2) of this subsection
1045 as soon as the commission has sufficient funds.

1046 (b) The Commission on Official Legal Publications shall in addition
1047 cause to be published in the Connecticut Law Journal at least monthly
1048 the text of all regulations received by the commission from the office of

1049 the Secretary of the State pursuant to section 4-172 during the
1050 preceding month. The commission may omit from the Connecticut
1051 Law Journal (1) any regulation submitted in accordance with
1052 subsection (g) of section 4-168 of the 2008 supplement to the general
1053 statutes, for the purposes of renumbering sections only, if a correlated
1054 table of the former and new section numbers is published in lieu of the
1055 full text, (2) any regulation that is incorporated by reference into a
1056 Connecticut regulation and published by or otherwise available in
1057 printed form from a federal agency, a government agency of another
1058 state or a commercial publishing company, and (3) any regulation the
1059 publication of which would be too expensive or unduly cumbersome.
1060 If the commission omits a regulation from publication in the
1061 Connecticut Law Journal under subdivision (2) or (3) of this
1062 subsection, the commission shall publish in the Connecticut Law
1063 Journal a notice identifying the omitted regulation, stating the general
1064 subject matter of the regulation and stating an address, telephone
1065 number and any other information needed to obtain a copy of the
1066 regulation.

1067 (c) Each agency which adopts a regulation shall make the regulation
1068 available for inspection and copying at its main office.

1069 (d) Any publication made pursuant to subsections (a) and (b) of this
1070 section shall be made available upon request to agencies and officials
1071 of this state free of charge, and to other persons at prices fixed by the
1072 Commission on Official Legal Publications, in accordance with section
1073 51-216b.

1074 (e) The compilation of regulations published under subsection (a) of
1075 this section and all Connecticut regulations omitted from the
1076 compilation under subsection (a) shall be maintained in the reference
1077 collection of each law library described in section 11-19a.

1078 (f) The commission shall make the compilation of effective
1079 regulations published pursuant to subsection (a) of this section and the
1080 text of recently-filed regulations published pursuant to subsection (b)

1081 of this section available to the public through the Internet. The web
1082 sites of the executive, judicial and legislative branches shall contain a
1083 link to such compilation of effective regulations and text of recently-
1084 filed regulations.

1085 Sec. 21. Subsection (a) of section 53a-39a of the general statutes is
1086 repealed and the following is substituted in lieu thereof (*Effective*
1087 *October 1, 2008*):

1088 (a) In all cases where a defendant has been convicted of a
1089 misdemeanor or a felony, other than a capital felony, a class A felony
1090 or a violation of section 21a-278 of the 2008 supplement to the general
1091 statutes, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
1092 any other offense for which there is a mandatory minimum sentence
1093 which may not be suspended or reduced by the court, after trial or by a
1094 plea of guilty without trial, and a term of imprisonment is part of a
1095 stated plea agreement or the statutory penalty provides for a term of
1096 imprisonment, the court may, in its discretion, order an assessment for
1097 placement in an alternate incarceration program under contract with
1098 the Judicial Department. If the Court Support Services Division
1099 recommends placement in an alternate incarceration program, it shall
1100 also submit to the court a proposed alternate incarceration plan. Upon
1101 completion of the assessment, the court shall determine whether such
1102 defendant shall be ordered to participate in such program as an
1103 alternative to incarceration. If the court determines that the defendant
1104 shall participate in such program, the court shall suspend any sentence
1105 of imprisonment and shall make participation in the alternate
1106 incarceration program a condition of probation as provided in section
1107 53a-30. If the court orders the defendant to participate in an alternate
1108 incarceration program pursuant to such alternate incarceration plan,
1109 such plan, or that portion of such plan ordered by the court, shall be a
1110 matter of public record.

1111 Sec. 22. Section 54-33c of the general statutes is repealed and the
1112 following is substituted in lieu thereof (*Effective October 1, 2008*):

1113 (a) The applicant for the search warrant shall file the application for
1114 the warrant and all affidavits upon which the warrant is based with
1115 the clerk of the court for the geographical area within which any
1116 person who may be arrested in connection with or subsequent to the
1117 execution of the search warrant would be presented with the return of
1118 the warrant. The warrant shall be executed within ten days and
1119 returned with reasonable promptness consistent with due process of
1120 law and shall be accompanied by a written inventory of all property
1121 seized. A copy of such warrant shall be given to the owner or occupant
1122 of the dwelling, structure, motor vehicle or place designated therein, or
1123 the person named therein. Within forty-eight hours of such search, a
1124 copy of the application for the warrant and a copy of all affidavits
1125 upon which the warrant is based shall be given to such owner,
1126 occupant or person. The judge or judge trial referee may, by order,
1127 dispense with the requirement of giving a copy of the affidavits to
1128 such owner, occupant or person at such time if the applicant for the
1129 warrant files a detailed affidavit with the judge or judge trial referee
1130 which demonstrates to the judge or judge trial referee that (1) the
1131 personal safety of a confidential informant would be jeopardized by
1132 the giving of a copy of the affidavits at such time, [or] (2) the search is
1133 part of a continuing investigation [which] that would be adversely
1134 affected by the giving of a copy of the affidavits at such time, or (3) the
1135 giving of such affidavits at such time would require disclosure of
1136 information or material prohibited from being disclosed by chapter
1137 959a. If the judge or judge trial referee dispenses with the requirement
1138 of giving a copy of the affidavits at such time, such order shall not
1139 affect the right of such owner, occupant or person to obtain such copy
1140 at any subsequent time. No such order shall limit the disclosure of
1141 such affidavits to the attorney for a person arrested in connection with
1142 or subsequent to the execution of a search warrant unless, upon
1143 motion of the prosecuting authority within two weeks of such person's
1144 arraignment, the court finds that the state's interest in continuing
1145 nondisclosure substantially outweighs the defendant's right to
1146 disclosure.

1147 (b) Any order dispensing with the requirement of giving a copy of
1148 the warrant application and accompanying affidavits to such owner,
1149 occupant or person within forty-eight hours shall be for a specific
1150 period of time, not to exceed two weeks beyond the date the warrant is
1151 executed. Within that time period the prosecuting authority may seek
1152 an extension of such period. Upon the execution and return of the
1153 warrant, affidavits which have been the subject of such an order shall
1154 remain in the custody of the clerk's office in a secure location apart
1155 from the remainder of the court file.

1156 (c) Any request by the prosecuting authority, made subsequent to
1157 an arrest, to extend an order sealing an affidavit in support of a search
1158 warrant as to such owner, occupant or person shall be a matter of
1159 public record. An extension of the order shall be granted if the court
1160 finds that the order is necessary to preserve an interest that is
1161 determined to override the public's interest in viewing the affidavit, or
1162 for good cause shown. An oral representation by the prosecuting
1163 authority that (1) the personal safety of a confidential informant would
1164 be jeopardized, (2) the search is part of a continuing investigation that
1165 would be adversely affected, or (3) the unsealing of the affidavit would
1166 require disclosure of information or material prohibited from being
1167 disclosed by chapter 959a may be sufficient to establish good cause.
1168 Any such extension shall be to a date certain, not to exceed ninety days
1169 from the date of the request. The prosecuting authority may seek more
1170 than one such extension, but no single extension shall exceed ninety
1171 days.

1172 Sec. 23. Subsection (d) of section 54-56d of the 2008 supplement to
1173 the general statutes is repealed and the following is substituted in lieu
1174 thereof (*Effective October 1, 2008*):

1175 (d) If the court finds that the request for an examination is justified
1176 and that, in accordance with procedures established by the judges of
1177 the Superior Court, there is probable cause to believe that the
1178 defendant has committed the crime for which the defendant is

1179 charged, the court shall order an examination of the defendant as to his
1180 or her competency. The court may (1) appoint one or more physicians
1181 specializing in psychiatry to examine the defendant, or (2) order the
1182 Commissioner of Mental Health and Addiction Services to conduct the
1183 examination either (A) by a clinical team consisting of a physician
1184 specializing in psychiatry, a clinical psychologist and one of the
1185 following: A clinical social worker licensed pursuant to chapter 383b or
1186 a psychiatric nurse clinical specialist holding a master's degree in
1187 nursing, or (B) by one or more physicians specializing in psychiatry,
1188 except that no employee of the Department of Mental Health and
1189 Addiction Services who has served as a member of a clinical team in
1190 the course of such employment for at least five years prior to October
1191 1, 1995, shall be precluded from being appointed as a member of a
1192 clinical team. If the Commissioner of Mental Health and Addiction
1193 Services is ordered to conduct the examination, the commissioner shall
1194 select the members of the clinical team or the physician or physicians.
1195 If the examiners determine that the defendant is not competent, the
1196 examiners shall then determine whether there is a substantial
1197 probability that the defendant, if provided with a course of treatment,
1198 will regain competency within the maximum period of any placement
1199 order under this section. If the examiners determine that there is a
1200 substantial probability that the defendant, if provided with a course of
1201 treatment, will regain competency within the maximum period of any
1202 placement order under this section, the examiners shall then determine
1203 whether the defendant appears to be eligible for civil commitment,
1204 with monitoring by the Court Support Services Division, pursuant to
1205 subdivision (2) of subsection (h) of this section. If the examiners
1206 determine that there is not a substantial probability that the defendant,
1207 if provided with a course of treatment, will regain competency within
1208 the maximum period of any placement order under this section, the
1209 examiners shall then determine whether the defendant appears to be
1210 eligible for civil commitment to a hospital for psychiatric disabilities
1211 pursuant to subsection (m) of this section and make a recommendation
1212 to the court regarding the appropriateness of such civil commitment.

1213 The court may authorize a physician specializing in psychiatry, a
 1214 clinical psychologist, a clinical social worker licensed pursuant to
 1215 chapter 383b or a psychiatric nurse clinical specialist holding a master's
 1216 degree in nursing selected by the defendant to observe the
 1217 examination. Counsel for the defendant may observe the examination.
 1218 The examination shall be completed within fifteen days from the date
 1219 it was ordered and the examiners shall prepare and sign, without
 1220 notarization, a written report and file such report with the court within
 1221 twenty-one business days of the date of the order. On receipt of the
 1222 written report, the clerk of the court shall cause copies to be delivered
 1223 immediately to the state's attorney and to counsel for the defendant.
 1224 The written report shall be sealed, but only as to the public, and the
 1225 contents of the report shall not be disclosed, except during any
 1226 evidentiary hearing as to the competency of the defendant at which
 1227 such contents are relied upon by a participant as the basis for
 1228 testimony, questioning of witnesses, arguments to the court or judicial
 1229 findings or as otherwise authorized under section 52-146f.

1230 Sec. 24. Subsection (f) of section 54-56d of the 2008 supplement to
 1231 the general statutes is repealed and the following is substituted in lieu
 1232 thereof (*Effective October 1, 2008*):

1233 (f) If the court, after the evidentiary hearing, finds that the
 1234 defendant is competent, the court shall continue with the criminal
 1235 proceedings. If the court finds that the defendant is not competent, the
 1236 court shall also find whether there is a substantial probability that the
 1237 defendant, if provided with a course of treatment, will regain
 1238 competency within the maximum period of any placement order
 1239 permitted under this section. The court shall state on the record the
 1240 reasons for the court's finding that the defendant is competent or not
 1241 competent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	51-14

Sec. 2	<i>October 1, 2008</i>	51-44a
Sec. 3	<i>October 1, 2008</i>	51-50l(a)
Sec. 4	<i>October 1, 2008</i>	52-434(a)
Sec. 5	<i>October 1, 2008</i>	51-51k
Sec. 6	<i>October 1, 2008</i>	51-51l
Sec. 7	<i>October 1, 2008</i>	51-51m(a)
Sec. 8	<i>October 1, 2008</i>	51-51n(a)
Sec. 9	<i>October 1, 2008</i>	51-51q
Sec. 10	<i>October 1, 2008</i>	51-51r
Sec. 11	<i>July 1, 2008</i>	51-1b
Sec. 12	<i>July 1, 2008</i>	45a-74
Sec. 13	<i>July 1, 2008</i>	New section
Sec. 14	<i>July 1, 2008</i>	New section
Sec. 15	<i>July 1, 2008</i>	New section
Sec. 16	<i>October 1, 2008</i>	New section
Sec. 17	<i>July 1, 2008</i>	New section
Sec. 18	<i>July 1, 2008</i>	19a-343a(c)
Sec. 19	<i>July 1, 2008</i>	51-164x
Sec. 20	<i>July 1, 2008</i>	4-173
Sec. 21	<i>October 1, 2008</i>	53a-39a(a)
Sec. 22	<i>October 1, 2008</i>	54-33c
Sec. 23	<i>October 1, 2008</i>	54-56d(d)
Sec. 24	<i>October 1, 2008</i>	54-56d(f)

Statement of Purpose:

To provide for more transparency, accessibility and accountability of the Judicial Branch.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]