
OLR Bill Analysis

sHB 5380 (as amended by House "A")*

AN ACT CONCERNING THE COMPOSITION OF THE JUDICIAL SELECTION COMMISSION AND DECISIONS RENDERED BY SAID COMMISSION.

SUMMARY

This bill changes the composition of the 12-member Judicial Selection Commission. It ends the terms of the current members on December 31, 2024, and requires a new commission be appointed beginning January 1, 2025. Under current law, the commission is made up of six attorneys and six non-attorneys. Under the bill, the new commission is made up of eight attorneys, who each have engaged in the practice of law in Connecticut for at least 10 years, and four non-attorneys.

The bill also makes changes to the commission's operations, as follows:

1. limits the time a candidate may be included on the commission's list of qualified candidates to 10 years;
2. increases, from two to three years, the time a commission member who is an attorney has to wait after ending his or her commission tenure before being considered for a judicial nomination;
3. requires the commission, when denying a recommendation for judicial nomination, to include in its decision a brief summary of the reasons for the denial; and
4. requires the commission, in its annual report to the Judiciary Committee, to include the areas of professional experience for individuals on the list of qualified candidates and that were interviewed, recommended, and denied recommendation.

The bill also makes technical and conforming changes.

*House Amendment "A" replaces the underlying bill with similar provisions. In doing so, it (1) restores one gubernatorial appointment to the commission, (2) changes the mix of attorneys and non-attorneys on the commission (from nine and two to eight and four, respectively), (3) removes a requirement in the underlying bill that nominees to the commission receive legislative confirmation, and (4) makes other minor changes.

EFFECTIVE DATE: July 1, 2024

JUDICIAL SELECTION COMMISSION MEMBERS

Membership

The bill ends the terms of the commission's current members on December 31, 2024. However, a member serving on that date who meets the new qualifications may be reappointed to the newly formed commission for an additional consecutive term, which must end three years after the member's original appointment.

The appointments to the commission under current law and the bill, including specified qualifications, are in the table below.

Table: Judicial Selection Commission Appointees

<i>Appointing Authority</i>	<i>Until December 31, 2024, Under Current Law</i>	<i>Beginning January 1, 2025, Under the Bill</i>
Governor	Six members: One from each congressional district and one at-large as follows: Three attorneys and three non-attorneys	Six members: One from each congressional district and one at-large as follows: Two attorneys who have engaged in the practice of law in Connecticut for at least 10 years and four non-attorneys
Senate president pro tempore	One attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years
House speaker	One non-attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years

<i>Appointing Authority</i>	<i>Until December 31, 2024, Under Current Law</i>	<i>Beginning January 1, 2025, Under the Bill</i>
Senate majority leader	One non-attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years
House majority leader	One attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years
Senate minority leader	One non-attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years
House minority leader	One attorney	One attorney who has engaged in the practice of law in Connecticut for at least 10 years

As under existing law, no more than six of the members may belong to the same political party, and none may otherwise be an elected or appointed state official or hold statewide office in a political party.

As under current law, members must select a chairperson from among the governor's appointees. The members must serve (1) a three-year term and (2) until a successor is appointed and qualified.

LIST OF JUDICIAL CANDIDATES

By law, the commission maintains a list of qualified candidates, including judges seeking appointment to a different court, for the governor's consideration for nomination as a judge in the state's Superior, Appellate, and Supreme courts. The bill limits the time a candidate may remain on the list to no more than 10 years.

Under current law, a commission member who is an attorney cannot be considered for a recommendation to the governor during the member's tenure or for two years following. The bill increases this period to three years following the end of the member's commission tenure.

Additionally, if the commission decides to deny a recommendation to a candidate, the bill requires that its decision include a brief summary of the reasons for the denial. The commission must determine the form and manner of the statement.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 1 (03/26/2024)