



General Assembly

February Session, 2024

Raised Bill No. 5380

LCO No. 2364



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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

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

1 Section 1. Section 51-44a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) There is established a Judicial Selection Commission, within the
4 Office of Governmental Accountability established under section 1-300.
5 [Said] (1) Until December 31, 2024, the commission shall be comprised
6 of twelve members. Six of the members shall be attorneys-at-law and six
7 of the members shall not be attorneys-at-law. Not more than six of the
8 members shall belong to the same political party. None of the members
9 shall be an elected or appointed official of the state or hold state-wide
10 office in a political party. (2) On and after January 1, 2025, the
11 commission shall be comprised of eleven members, appointed in
12 accordance with the provisions of subdivision (2) of subsection (b) of
13 this section. Nine of the members shall be attorneys-at-law and two of
14 the members shall not be attorneys-at-law. Not more than six of the

15 members shall belong to the same political party. None of the members
16 shall be an elected or appointed official of the state or hold state-wide
17 office in a political party.

18 (b) The members of the commission shall be appointed as follows:
19 [The] (1) Until December 31, 2024, the Governor shall appoint six
20 members, one from each congressional district and one at-large
21 member, three of whom shall be attorneys-at-law and three of whom
22 shall not be attorneys-at-law; the president pro tempore of the Senate
23 shall appoint one member who shall be an attorney-at-law; the speaker
24 of the House of Representatives shall appoint one member who shall
25 not be an attorney-at-law; the majority leader of the Senate shall appoint
26 one member who shall not be an attorney-at-law; the majority leader of
27 the House of Representatives shall appoint one member who shall be an
28 attorney-at-law; the minority leader of the Senate shall appoint one
29 member who shall not be an attorney-at-law; and the minority leader of
30 the House of Representatives shall appoint one member who shall be an
31 attorney-at-law. (2) On and after January 1, 2025, (A) the Governor shall
32 appoint five members, one from each congressional district, three of
33 whom shall be attorneys-at-law with not less than ten years of active
34 practice in Connecticut state courts, and two of whom shall not be
35 attorneys-at-law; (B) the president pro tempore of the Senate shall
36 appoint one member who shall be an attorney-at-law with not less than
37 ten years of active practice in Connecticut state courts; (C) the speaker
38 of the House of Representatives shall appoint one member who shall
39 not be an attorney-at-law with not less than ten years of active practice
40 in Connecticut state courts; (D) the majority leader of the Senate shall
41 appoint one member who shall not be an attorney-at-law with not less
42 than ten years of active practice in Connecticut state courts; (E) the
43 majority leader of the House of Representatives shall appoint one
44 member who shall be an attorney-at-law with not less than ten years of
45 active practice in Connecticut state courts; (F) the minority leader of the
46 Senate shall appoint one member who shall not be an attorney-at-law
47 with not less than ten years of active practice in Connecticut state courts;
48 and (G) the minority leader of the House of Representatives shall

49 appoint one member who shall be an attorney-at-law with not less than
50 ten years of active practice in Connecticut state courts. (3) Each
51 nomination for appointment as a member of the Judicial Selection
52 Commission shall be referred, without debate, to the joint standing
53 committee of the General Assembly having cognizance of matters
54 relating to the judiciary, which shall report on each appointment not
55 later than thirty days after the date of reference. Each appointment by
56 the General Assembly of the Claims Commissioner shall be by
57 concurrent resolution. If the General Assembly is not in session at the
58 time that a person is appointed to be a member of the Judicial Selection
59 Commission, such person shall serve as an acting member of the Judicial
60 Selection Commission until the General Assembly meets and confirms
61 the nomination of such person to be a member of the Judicial Selection
62 Commission, in accordance with the provisions of subdivision (2) of this
63 subsection.

64 (c) [The] (1) Prior to December 31, 2024, members of the commission
65 shall elect a chairperson from among the members appointed by the
66 Governor. (2) On and after January 1, 2025, members of the commission,
67 appointed in accordance with the provisions of subdivision (2) of
68 subsection (b) of this section, shall elect a chairperson from among the
69 members appointed. A member serving on the commission on
70 December 31, 2024, who meets the requirements prescribed in
71 subsection (b) of this section, may be reappointed to the commission.

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

74 (2) [Members appointed on or after June 26, 2003, shall serve for terms
75 of three years and, notwithstanding the provisions of section 4-1, until
76 their successors are appointed and have qualified or ninety days after
77 the completion of their terms, whichever is earlier.] (A) The term of any
78 member appointed pursuant to subdivision (1) of subsection (b) of this
79 section shall end on December 31, 2024. (B) Members appointed on or
80 after January 1, 2025, shall serve for a term of three years from the date
81 of confirmation by both houses of the General Assembly and until their

82 successors are appointed and have qualified.

83 [(3) Members serving on June 26, 2003, shall continue to serve as
84 members until the end of their terms and, notwithstanding the
85 provisions of section 4-1, until their successors are appointed and have
86 qualified or ninety days after the completion of their terms, whichever
87 is earlier, except that members serving on June 26, 2003, who have
88 completed their terms and are serving until their successors are
89 appointed and have qualified shall, notwithstanding the provisions of
90 section 4-1, continue to serve until their successors are appointed and
91 have qualified, but not later than January 1, 2004.]

92 [(4)] (3) Any vacancy in the membership of the commission shall be
93 filled for the unexpired portion of the term by the appointing authority.
94 The members of the commission shall receive no compensation for their
95 services but shall be reimbursed for any necessary expenses incurred in
96 the performance of their duties.

97 [(5)] (4) No member of the commission may serve consecutive terms,
98 except that if [, on or after June 26, 2003,] a person is appointed a member
99 of the commission to fill a vacancy and complete an unexpired term,
100 such person may serve an additional term. If a commission member is
101 an attorney, no member of the commission member's firm may serve a
102 term consecutive to such commission member.

103 (e) The commission shall evaluate incumbent judges who seek
104 reappointment to the same court and shall forward to the Governor for
105 consideration the names of incumbent judges who are recommended
106 for reappointment as provided in this subsection. The commission shall
107 adopt regulations in accordance with the provisions of chapter 54
108 concerning criteria by which to evaluate incumbent judges who seek
109 reappointment to the same court; provided pending adoption of such
110 regulations, the commission shall use criteria established prior to June
111 22, 1989, for the evaluation of such judges. In evaluating the
112 reappointment of an incumbent judge, the commission shall consider
113 the legal ability, competence, integrity, character and temperament of

114 such judge and any other relevant information concerning such judge.
115 There shall be a presumption that each incumbent judge who seeks
116 reappointment to the same court qualifies for retention in judicial office.
117 The burden of rebutting such presumption shall be on the commission.
118 The commission shall investigate and interview each incumbent judge
119 who seeks reappointment and, prior to the expiration of a term of office
120 of such judge, shall recommend such incumbent judge for nomination
121 for reappointment by the Governor to the same court unless, as
122 provided in this subsection, recommendation of such judge is denied. If
123 a preliminary examination indicates further inquiry is necessary before
124 a recommendation of reappointment may be made, the commission
125 shall hold a hearing concerning the reappointment of such judge. The
126 commission shall send notice to the judge by certified or registered mail,
127 return receipt requested, not less than one hundred eighty days prior to
128 the convening of such legislative session which is to consider the
129 reappointment of the incumbent judge, (A) that a hearing by the
130 commission on such reappointment shall be held and of the time, date
131 and place of such hearing, which shall be not less than thirty days nor
132 more than forty-five days after the date of such notice and (B) of specific
133 claims made against the judge. The commission shall make a record of
134 all hearings conducted pursuant to this subsection. The hearing may be
135 open to the public at the request of the judge. For purposes of
136 conducting a hearing under this subsection, not less than ten members
137 of the commission shall be present and voting. A judge appearing before
138 such a hearing shall be entitled to counsel, to present evidence and to
139 cross-examine witnesses who appear voluntarily. No judge shall be
140 required to sign or execute any release in order to proceed with the
141 hearing. The commission shall not later than twenty days after the close
142 of such hearing render its decision whether it shall recommend such
143 incumbent judge for nomination for reappointment by the Governor.
144 [Any affirmative vote of a majority plus one of the members present and
145 voting shall be required to deny recommendation to the Governor for
146 nomination of an incumbent judge to the same court.] A judge who has
147 not received approval by the commission may within ten days after
148 receipt of the notice of decision, which shall include a record of the

149 numerical vote, request a rehearing on the grounds that the conclusions
150 of the commission are contrary to the evidence presented at the hearing
151 or the commission failed to comply with the procedural or substantive
152 requirements of this section. The decision of the commission following
153 a rehearing shall be final. There shall be no right of appeal by any judge
154 appearing before the commission, at law or in equity, or any resort to
155 any court following the decision of the commission.

156 (f) Except as provided in subsection (e) of this section, the commission
157 shall seek qualified candidates for consideration by the Governor for
158 nomination as judges for the Superior Court, Appellate Court and
159 Supreme Court. The commission shall adopt regulations, in accordance
160 with the provisions of chapter 54, concerning criteria by which to
161 evaluate the qualifications of candidates, including incumbent judges
162 who seek appointment to a different court. The commission shall
163 investigate and interview the candidates, including incumbent judges
164 seeking appointment to a different court. A list of such qualified
165 candidates shall be compiled by the commission. No candidate shall
166 remain on the list of qualified candidates for more than eight years. A
167 decision of the commission denying a recommendation to a candidate
168 or judge shall include a summary of the specific facts established
169 through evaluation of the candidate or judge and a record of the
170 commission's numerical vote on the candidate or judge. A candidate or
171 judge may request a rehearing on the grounds that the conclusions of
172 the commission are contrary to the evidence presented at the hearing or
173 the commission failed to comply with the procedural or substantive
174 requirements of this section. The rehearing shall occur not later than
175 thirty days after the date of the request and the candidate or judge shall
176 be entitled to be present during such rehearing. The decision of the
177 commission following a rehearing shall be final. There shall be no right
178 of appeal by any candidate or judge appearing before the commission,
179 at law or in equity, or any resort to any court following the decision of
180 the commission.

181 (g) In connection with any inquiry concerning the reappointment of
182 an incumbent judge, the commission shall have the power to issue

183 subpoenas requiring the attendance of witnesses and the production of
184 any books or papers which in the judgment of the commission are
185 relevant to the inquiry. The commission may, upon request of the judge
186 whose reappointment is at issue, issue a subpoena on behalf of such
187 judge. If any person disobeys such process or, having appeared in
188 obedience thereto refuses to answer any pertinent question put to [him]
189 such person by the commission, or to produce any books and papers
190 pursuant thereto, the commission, on its own behalf or on behalf of the
191 judge, may apply to the superior court for the judicial district of
192 Hartford setting forth such disobedience to process or refusal to answer,
193 and said court may cite such person to appear before said court to
194 answer such question or to produce such books and papers and, upon
195 [his] refusal so to do shall commit [him] such person to a community
196 correctional center, there to remain until [he] such person so testifies.

197 (h) (1) Judges of all courts, except those courts to which judges are
198 elected, shall be nominated by the Governor exclusively from the list of
199 candidates or incumbent judges submitted by the Judicial Selection
200 Commission. Any candidate or incumbent judge who is nominated
201 from such list by the Governor to be Chief Justice of the Supreme Court,
202 and who is appointed Chief Justice by the General Assembly, shall serve
203 a term of eight years from the date of appointment. The Governor shall
204 nominate a candidate for a vacancy in a judicial position within forty-
205 five days of the date the Governor receives the recommendations of the
206 commission. When considering the nomination of an incumbent judge
207 for reappointment to the same court, the Governor may nominate the
208 incumbent judge if the commission did not deny recommendation for
209 reappointment. Whenever an incumbent judge is denied
210 recommendation for reappointment to the same court by the
211 commission or is recommended by the commission but not nominated
212 by the Governor for reappointment to the same court, or whenever a
213 vacancy in a judicial position occurs or is anticipated, the Governor shall
214 choose a nominee from the list of candidates compiled pursuant to
215 subsection (f) of this section. (2) Notwithstanding the provisions of
216 subdivision (1) of this subsection and subsection (f) of this section, the

217 Governor may nominate an associate judge of the Supreme Court to be
218 Chief Justice of the Supreme Court without such judge being
219 investigated and interviewed by the commission and being on the list of
220 qualified candidates compiled and submitted to the Governor by the
221 commission. An associate judge of the Supreme Court who has been
222 nominated by the Governor to be Chief Justice of the Supreme Court in
223 accordance with this subdivision, and who is appointed Chief Justice by
224 the General Assembly, shall serve an initial term as Chief Justice equal
225 to the remainder of such judge's term as an associate judge of the
226 Supreme Court.

227 (i) A majority of the membership of the commission shall constitute a
228 quorum. The affirmative vote of at least a majority of the members of
229 the commission present and voting shall be required for any action by
230 the commission. [except (1) an affirmative vote of at least a majority plus
231 one of the members present and voting shall be required for a new
232 nominee to be recommended to the Governor for nomination as a judge
233 or for an incumbent judge to be recommended to the Governor for
234 nomination as a judge to a different court and (2) an affirmative vote of
235 a majority plus one of the members present and voting shall be required
236 to deny recommendation to the Governor for nomination of an
237 incumbent judge to the same court.] No vote of the commission on a
238 new nominee shall be by secret ballot. The vote of the commission on an
239 incumbent judge may be by secret ballot.

240 (j) Except as provided in subsections (e), (f) and (m) of this section,
241 the investigations, deliberations, files and records of the commission
242 shall be confidential and not open to the public or subject to disclosure
243 except that the criteria by which candidates or incumbent judges who
244 seek reappointment to the same court or appointment to a different
245 court are evaluated and the procedural rules adopted by the
246 commission shall be public.

247 (k) The commission may employ such staff as is necessary for the
248 performance of its functions and duties.

249 (l) No member of the commission who is an attorney-at-law shall be
250 considered for recommendation to the Governor for nomination as a
251 judge during his tenure on the commission or for a period of [two] three
252 years following the termination of his tenure on the commission.

253 (m) On [January 15, 2011, and annually thereafter] or before January
254 fifteenth annually, the chairperson of the commission shall report to the
255 joint standing committee on judiciary the following information with
256 respect to the prior calendar year: (1) The number of candidates
257 interviewed for appointment as new nominees, the number of
258 incumbent judges interviewed for reappointment to the same court and
259 the number of incumbent judges interviewed for appointment to a
260 different court, (2) the number of candidates who were recommended
261 and denied recommendation to the Governor as new nominees, the
262 number of incumbent judges recommended and denied
263 recommendation for appointment to the same court and the number of
264 incumbent judges recommended and denied recommendation for
265 appointment to a different court, (3) the statistics regarding the race,
266 gender, national origin, religion, areas of professional experience and
267 years of experience as members of the bar of all such candidates and
268 incumbent judges interviewed, recommended and denied
269 recommendation under subdivisions (1) and (2) of this subsection, and
270 (4) as of January first in the year of such report, the number of candidates
271 on the list compiled by the commission pursuant to subsection (f) of this
272 section and the statistics regarding the race, gender, national origin,
273 religion, areas of professional experience, years of experience as
274 members of the bar and calendar year of recommendation of all such
275 candidates.

276 (n) The commission shall have the power to enter into such
277 contractual agreements as may be necessary for the discharge of its
278 duties concerning the investigation of candidates seeking appointment
279 to a judicial position and incumbent judges seeking reappointment to
280 the same court or appointment to a different court, within the limits of
281 appropriated funds and in accordance with established procedures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	51-44a

Statement of Purpose:

To revise statutory provisions concerning: (1) The composition of the Judicial Selection Commission, and (2) certain internal operational procedures concerning decisions issued by said commission.

[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.]