



General Assembly

Amendment

February Session, 2024

LCO No. 4854



Offered by:
REP. STAFSTROM, 129th Dist.

To: Subst. House Bill No. 5380

File No. 448

Cal. No. 292

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 51-44a of the general statutes is repealed and the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

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

15 this section. Eight of the members shall be attorneys-at-law and four of
16 the members shall not be attorneys-at-law. Not more than six of the
17 members shall belong to the same political party. None of the members
18 shall otherwise be an elected or appointed official of the state or hold
19 state-wide office in a political party.

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

49 who shall be an attorney-at-law who has engaged in the practice of law
50 in this state for not less than ten years; and (G) the minority leader of the
51 House of Representatives shall appoint one member who shall be an
52 attorney-at-law who has engaged in the practice of law in this state for
53 not less than ten years.

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

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

58 (2) Members [appointed on or after June 26, 2003,] shall serve for
59 terms of three years and, notwithstanding the provisions of section 4-1,
60 until their successors are appointed and have qualified or ninety days
61 after the completion of their terms, whichever is earlier. The term of any
62 member appointed pursuant to subdivision (1) of subsection (b) of this
63 section shall end on December 31, 2024. Notwithstanding the provisions
64 of subdivision (4) of this subsection, a member serving on the
65 commission on December 31, 2024, who meets the requirements
66 prescribed in subsection (b) of this section, may be reappointed to the
67 commission for an additional consecutive term. Such additional
68 consecutive term shall end three years following the date of such
69 member's original appointment pursuant to subdivision (1) of
70 subsection (b) of this section.

71 [(3) Members serving on June 26, 2003, shall continue to serve as
72 members until the end of their terms and, notwithstanding the
73 provisions of section 4-1, until their successors are appointed and have
74 qualified or ninety days after the completion of their terms, whichever
75 is earlier, except that members serving on June 26, 2003, who have
76 completed their terms and are serving until their successors are
77 appointed and have qualified shall, notwithstanding the provisions of
78 section 4-1, continue to serve until their successors are appointed and
79 have qualified, but not later than January 1, 2004.]

80 [(4)] (3) Any vacancy in the membership of the commission shall be

81 filled for the unexpired portion of the term by the appointing authority.
82 The members of the commission shall receive no compensation for their
83 services but shall be reimbursed for any necessary expenses incurred in
84 the performance of their duties.

85 [(5)] (4) No member of the commission may serve consecutive terms,
86 except that if [, on or after June 26, 2003,] a person is appointed a member
87 of the commission to fill a vacancy and complete an unexpired term,
88 such person may serve an additional term. If a commission member is
89 an attorney, no member of the commission member's firm may serve a
90 term consecutive to such commission member.

91 (e) The commission shall evaluate incumbent judges who seek
92 reappointment to the same court and shall forward to the Governor for
93 consideration the names of incumbent judges who are recommended
94 for reappointment as provided in this subsection. The commission shall
95 adopt regulations in accordance with the provisions of chapter 54
96 concerning criteria by which to evaluate incumbent judges who seek
97 reappointment to the same court; provided pending adoption of such
98 regulations, the commission shall use criteria established prior to June
99 22, 1989, for the evaluation of such judges. In evaluating the
100 reappointment of an incumbent judge, the commission shall consider
101 the legal ability, competence, integrity, character and temperament of
102 such judge and any other relevant information concerning such judge.
103 There shall be a presumption that each incumbent judge who seeks
104 reappointment to the same court qualifies for retention in judicial office.
105 The burden of rebutting such presumption shall be on the commission.
106 The commission shall investigate and interview each incumbent judge
107 who seeks reappointment and, prior to the expiration of a term of office
108 of such judge, shall recommend such incumbent judge for nomination
109 for reappointment by the Governor to the same court unless, as
110 provided in this subsection, recommendation of such judge is denied. If
111 a preliminary examination indicates further inquiry is necessary before
112 a recommendation of reappointment may be made, the commission
113 shall hold a hearing concerning the reappointment of such judge. The
114 commission shall send notice to the judge by certified or registered mail,

115 return receipt requested, not less than one hundred eighty days prior to
116 the convening of such legislative session which is to consider the
117 reappointment of the incumbent judge, [(A)] (1) that a hearing by the
118 commission on such reappointment shall be held and of the time, date
119 and place of such hearing, which shall be not less than thirty days nor
120 more than forty-five days after the date of such notice, and [(B)] (2) of
121 specific claims made against the judge. The commission shall make a
122 record of all hearings conducted pursuant to this subsection. The
123 hearing may be open to the public at the request of the judge. For
124 purposes of conducting a hearing under this subsection, not less than
125 ten members of the commission shall be present and voting. A judge
126 appearing before such a hearing shall be entitled to counsel, to present
127 evidence and to cross-examine witnesses who appear voluntarily. No
128 judge shall be required to sign or execute any release in order to proceed
129 with the hearing. The commission shall not later than twenty days after
130 the close of such hearing render its decision whether it shall recommend
131 such incumbent judge for nomination for reappointment by the
132 Governor. Any affirmative vote of a majority plus one of the members
133 present and voting shall be required to deny recommendation to the
134 Governor for nomination of an incumbent judge to the same court. A
135 judge who has not received approval by the commission may within ten
136 days after receipt of the notice of decision, which shall include a record
137 of the numerical vote, request a rehearing on the grounds that the
138 conclusions of the commission are contrary to the evidence presented at
139 the hearing or the commission failed to comply with the procedural or
140 substantive requirements of this section. The decision of the commission
141 following a rehearing shall be final. There shall be no right of appeal by
142 any judge appearing before the commission, at law or in equity, or any
143 resort to any court following the decision of the commission.

144 (f) Except as provided in subsection (e) of this section, the commission
145 shall seek qualified candidates for consideration by the Governor for
146 nomination as judges for the Superior Court, Appellate Court and
147 Supreme Court. The commission shall adopt regulations, in accordance
148 with the provisions of chapter 54, concerning criteria by which to

149 evaluate the qualifications of candidates, including incumbent judges
150 who seek appointment to a different court. The commission shall
151 investigate and interview the candidates, including incumbent judges
152 seeking appointment to a different court. A list of such qualified
153 candidates shall be compiled by the commission. No candidate shall
154 remain on the list of qualified candidates for more than ten years. A
155 decision of the commission denying a recommendation to a candidate
156 or judge shall include a brief summary that informs the candidate or
157 judge of the reasons for the denial. The form and manner of such
158 statement shall be determined by the commission.

159 (g) In connection with any inquiry concerning the reappointment of
160 an incumbent judge, the commission shall have the power to issue
161 subpoenas requiring the attendance of witnesses and the production of
162 any books or papers which in the judgment of the commission are
163 relevant to the inquiry. The commission may, upon request of the judge
164 whose reappointment is at issue, issue a subpoena on behalf of such
165 judge. If any person disobeys such process or, having appeared in
166 obedience thereto refuses to answer any pertinent question put to [him]
167 such person by the commission, or to produce any books and papers
168 pursuant thereto, the commission, on its own behalf or on behalf of the
169 judge, may apply to the superior court for the judicial district of
170 Hartford setting forth such disobedience to process or refusal to answer,
171 and said court may cite such person to appear before said court to
172 answer such question or to produce such books and papers and, upon
173 [his] refusal so to do shall commit [him] such person to a community
174 correctional center, there to remain until [he] such person so testifies.

175 (h) (1) Judges of all courts, except those courts to which judges are
176 elected, shall be nominated by the Governor exclusively from the list of
177 candidates or incumbent judges submitted by the Judicial Selection
178 Commission. Any candidate or incumbent judge who is nominated
179 from such list by the Governor to be Chief Justice of the Supreme Court,
180 and who is appointed Chief Justice by the General Assembly, shall serve
181 a term of eight years from the date of appointment. The Governor shall
182 nominate a candidate for a vacancy in a judicial position within forty-

183 five days of the date the Governor receives the recommendations of the
184 commission. When considering the nomination of an incumbent judge
185 for reappointment to the same court, the Governor may nominate the
186 incumbent judge if the commission did not deny recommendation for
187 reappointment. Whenever an incumbent judge is denied
188 recommendation for reappointment to the same court by the
189 commission or is recommended by the commission but not nominated
190 by the Governor for reappointment to the same court, or whenever a
191 vacancy in a judicial position occurs or is anticipated, the Governor shall
192 choose a nominee from the list of candidates compiled pursuant to
193 subsection (f) of this section. (2) Notwithstanding the provisions of
194 subdivision (1) of this subsection and subsection (f) of this section, the
195 Governor may nominate an associate judge of the Supreme Court to be
196 Chief Justice of the Supreme Court without such judge being
197 investigated and interviewed by the commission and being on the list of
198 qualified candidates compiled and submitted to the Governor by the
199 commission. An associate judge of the Supreme Court who has been
200 nominated by the Governor to be Chief Justice of the Supreme Court in
201 accordance with this subdivision, and who is appointed Chief Justice by
202 the General Assembly, shall serve an initial term as Chief Justice equal
203 to the remainder of such judge's term as an associate judge of the
204 Supreme Court.

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

217 incumbent judge may be by secret ballot.

218 (j) Except as provided in subsections (e), ~~(f)~~ and (m) of this section,
219 the investigations, deliberations, files and records of the commission
220 shall be confidential and not open to the public or subject to disclosure
221 except that the criteria by which candidates or incumbent judges who
222 seek reappointment to the same court or appointment to a different
223 court are evaluated and the procedural rules adopted by the
224 commission shall be public.

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

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

231 (m) On [January 15, 2011, and annually thereafter] or before January
232 fifteenth annually, the chairperson of the commission shall report to the
233 joint standing committee on judiciary the following information with
234 respect to the prior calendar year: (1) The number of candidates
235 interviewed for appointment as new nominees, the number of
236 incumbent judges interviewed for reappointment to the same court and
237 the number of incumbent judges interviewed for appointment to a
238 different court, (2) the number of candidates who were recommended
239 and denied recommendation to the Governor as new nominees, the
240 number of incumbent judges recommended and denied
241 recommendation for appointment to the same court and the number of
242 incumbent judges recommended and denied recommendation for
243 appointment to a different court, (3) the statistics regarding the race,
244 gender, national origin, religion, areas of professional experience and
245 years of experience as members of the bar of all such candidates and
246 incumbent judges interviewed, recommended and denied
247 recommendation under subdivisions (1) and (2) of this subsection, and
248 (4) as of January first in the year of such report, the number of candidates

249 on the list compiled by the commission pursuant to subsection (f) of this
250 section and the statistics regarding the race, gender, national origin,
251 religion, areas of professional experience, years of experience as
252 members of the bar and calendar year of recommendation of all such
253 candidates.

254 (n) The commission shall have the power to enter into such
255 contractual agreements as may be necessary for the discharge of its
256 duties concerning the investigation of candidates seeking appointment
257 to a judicial position and incumbent judges seeking reappointment to
258 the same court or appointment to a different court, within the limits of
259 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