



General Assembly

***Amendment***

***January Session, 2025***

**LCO No. 8979**



Offered by:

REP. STAFSTROM, 129<sup>th</sup> Dist.

REP. FISHBEIN, 90<sup>th</sup> Dist.

To: House Bill No. **7041**

File No. 765

Cal. No. 478

***"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 Section 51-44a of the general statutes is repealed and the  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, 2025*):

5 (a) There is established a Judicial Selection Commission, within the  
6 Office of Governmental Accountability established under section 1-300.  
7 Said commission shall be comprised of twelve members. [Six of the  
8 members shall be attorneys-at-law and six of the members shall not be  
9 attorneys-at-law.] Not more than six of the members shall belong to the  
10 same political party. None of the members shall be an elected or  
11 appointed official of the state or hold state-wide office in a political  
12 party.

13 (b) The members of the commission shall be appointed as follows:

14 [The] (1) Until June 30, 2025, the Governor shall appoint six members,  
15 one from each congressional district and one at-large member, three of  
16 whom shall be attorneys-at-law and three of whom shall not be  
17 attorneys-at-law; the president pro tempore of the Senate shall appoint  
18 one member who shall be an attorney-at-law; the speaker of the House  
19 of Representatives shall appoint one member who shall not be an  
20 attorney-at-law; the majority leader of the Senate shall appoint one  
21 member who shall not be an attorney-at-law; the majority leader of the  
22 House of Representatives shall appoint one member who shall be an  
23 attorney-at-law; the minority leader of the Senate shall appoint one  
24 member who shall not be an attorney-at-law; and the minority leader of  
25 the House of Representatives shall appoint one member who shall be an  
26 attorney-at-law. (2) On and after July 1, 2025, when making an  
27 appointment, the appointing authority shall make such appointment in  
28 accordance with the provisions of this subdivision: (A) The Governor  
29 shall appoint six members, one from each congressional district and one  
30 at-large member, three of whom shall be attorneys-at-law who have  
31 engaged in the practice of law in this state for not less than ten years and  
32 three of whom shall not be attorneys-at-law; (B) the president pro  
33 tempore of the Senate shall appoint one member who shall be an  
34 attorney-at-law who has engaged in the practice of law in this state for  
35 not less than ten years; (C) the speaker of the House of Representatives  
36 shall appoint one member who shall be an attorney-at-law who has  
37 engaged in the practice of law in this state for not less than ten years; (D)  
38 the majority leader of the Senate shall appoint one member who shall  
39 not be an attorney-at-law; (E) the majority leader of the House of  
40 Representatives shall appoint one member who shall be an attorney-at-  
41 law who has engaged in the practice of law in this state for not less than  
42 ten years; (F) the minority leader of the Senate shall appoint one member  
43 who shall be an attorney-at-law who has engaged in the practice of law  
44 in this state for not less than ten years; and (G) the minority leader of the  
45 House of Representatives shall appoint one member who shall be an  
46 attorney-at-law who has engaged in the practice of law in this state for  
47 not less than ten years.

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

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

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

56 [(3) Members serving on June 26, 2003, shall continue to serve as  
57 members until the end of their terms and, notwithstanding the  
58 provisions of section 4-1, until their successors are appointed and have  
59 qualified or ninety days after the completion of their terms, whichever  
60 is earlier, except that members serving on June 26, 2003, who have  
61 completed their terms and are serving until their successors are  
62 appointed and have qualified shall, notwithstanding the provisions of  
63 section 4-1, continue to serve until their successors are appointed and  
64 have qualified, but not later than January 1, 2004.]

65 [(4)] (3) Any vacancy in the membership of the commission shall be  
66 filled for the unexpired portion of the term by the appointing authority.  
67 The members of the commission shall receive no compensation for their  
68 services but shall be reimbursed for any necessary expenses incurred in  
69 the performance of their duties.

70 [(5)] (4) No member of the commission may serve consecutive terms,  
71 except that, if [, on or after June 26, 2003,] a person is appointed a  
72 member of the commission to fill a vacancy and complete an unexpired  
73 term, such person may serve an additional term. If a commission  
74 member is an attorney, no member of the commission member's firm  
75 may serve a term consecutive to such commission member.

76 (e) The commission shall evaluate incumbent judges who seek  
77 reappointment to the same court and shall forward to the Governor for  
78 consideration the names of incumbent judges who are recommended

79 for reappointment as provided in this subsection. The commission shall  
80 adopt regulations in accordance with the provisions of chapter 54  
81 concerning criteria by which to evaluate incumbent judges who seek  
82 reappointment to the same court; provided pending adoption of such  
83 regulations, the commission shall use criteria established prior to June  
84 22, 1989, for the evaluation of such judges. In evaluating the  
85 reappointment of an incumbent judge, the commission shall consider  
86 the legal ability, competence, integrity, character and temperament of  
87 such judge and any other relevant information concerning such judge.  
88 There shall be a presumption that each incumbent judge who seeks  
89 reappointment to the same court qualifies for retention in judicial office.  
90 The burden of rebutting such presumption shall be on the commission.  
91 The commission shall investigate and interview each incumbent judge  
92 who seeks reappointment and, prior to the expiration of a term of office  
93 of such judge, shall recommend such incumbent judge for nomination  
94 for reappointment by the Governor to the same court unless, as  
95 provided in this subsection, recommendation of such judge is denied. If  
96 a preliminary examination indicates further inquiry is necessary before  
97 a recommendation of reappointment may be made, the commission  
98 shall hold a hearing concerning the reappointment of such judge. The  
99 commission shall send notice to the judge by certified or registered mail,  
100 return receipt requested, not less than one hundred eighty days prior to  
101 the convening of such legislative session which is to consider the  
102 reappointment of the incumbent judge, [(A)] (1) that a hearing by the  
103 commission on such reappointment shall be held and of the time, date  
104 and place of such hearing, which shall be not less than thirty days nor  
105 more than forty-five days after the date of such notice, and [(B)] (2) of  
106 specific claims made against the judge. The commission shall make a  
107 record of all hearings conducted pursuant to this subsection. The  
108 hearing may be open to the public at the request of the judge. For  
109 purposes of conducting a hearing under this subsection, not less than  
110 ten members of the commission shall be present and voting. A judge  
111 appearing before such a hearing shall be entitled to counsel, to present  
112 evidence and to cross-examine witnesses who appear voluntarily. No  
113 judge shall be required to sign or execute any release in order to proceed

114 with the hearing. The commission shall not later than twenty days after  
115 the close of such hearing render its decision whether it shall recommend  
116 such incumbent judge for nomination for reappointment by the  
117 Governor. Any affirmative vote of a majority plus one of the members  
118 present and voting shall be required to deny recommendation to the  
119 Governor for nomination of an incumbent judge to the same court. A  
120 judge who has not received approval by the commission may within ten  
121 days after receipt of the notice of decision, which shall include a record  
122 of the numerical vote, request a rehearing on the grounds that the  
123 conclusions of the commission are contrary to the evidence presented at  
124 the hearing or the commission failed to comply with the procedural or  
125 substantive requirements of this section. The decision of the commission  
126 following a rehearing shall be final. There shall be no right of appeal by  
127 any judge appearing before the commission, at law or in equity, or any  
128 resort to any court following the decision of the commission.

129 (f) Except as provided in subsection (e) of this section, the commission  
130 shall seek qualified candidates for consideration by the Governor for  
131 nomination as judges for the Superior Court, Appellate Court and  
132 Supreme Court. The commission shall adopt regulations, in accordance  
133 with the provisions of chapter 54, concerning criteria by which to  
134 evaluate the qualifications of candidates, including incumbent judges  
135 who seek appointment to a different court. The commission shall  
136 investigate and interview the candidates, including incumbent judges  
137 seeking appointment to a different court. In the event the commission  
138 issues a decision informing a candidate that the candidate will not be  
139 considered by the Governor for nomination as a judge or informing an  
140 incumbent judge that such judge will not be considered by the Governor  
141 for appointment to a different court, such candidate or judge may  
142 request from the commission a brief summary that informs the  
143 candidate or judge of the reasons supporting such decision. The form  
144 and manner of such summary shall be determined by the commission.  
145 A list of such qualified candidates shall be compiled by the commission.  
146 No candidate shall remain on the list of qualified candidates for more  
147 than ten years.

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

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

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

194 (i) A majority of the membership of the commission shall constitute a  
195 quorum. The affirmative vote of at least a majority of the members of  
196 the commission present and voting shall be required for any action by  
197 the commission except (1) an affirmative vote of at least a majority plus  
198 one of the members present and voting shall be required for a new  
199 nominee to be recommended to the Governor for nomination as a judge  
200 or for an incumbent judge to be recommended to the Governor for  
201 nomination as a judge to a different court, and (2) an affirmative vote of  
202 a majority plus one of the members present and voting shall be required  
203 to deny recommendation to the Governor for nomination of an  
204 incumbent judge to the same court. No vote of the commission on a new  
205 nominee shall be by secret ballot. The vote of the commission on an  
206 incumbent judge may be by secret ballot.

207 (j) Except as provided in subsections (e), (f) and (m) of this section,  
208 the investigations, deliberations, files and records of the commission  
209 shall be confidential and not open to the public or subject to disclosure  
210 except that the criteria by which candidates or incumbent judges who  
211 seek reappointment to the same court or appointment to a different  
212 court are evaluated and the procedural rules adopted by the  
213 commission shall be public.

214 (k) The commission may employ such staff as is necessary for the

215 performance of its functions and duties.

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

220 (m) On [January 15, 2011, and annually thereafter] or before January  
221 fifteenth annually, the chairperson of the commission shall report to the  
222 joint standing committee on judiciary the following information with  
223 respect to the prior calendar year: (1) The number of candidates  
224 interviewed for appointment as new nominees, the number of  
225 incumbent judges interviewed for reappointment to the same court and  
226 the number of incumbent judges interviewed for appointment to a  
227 different court, (2) the number of candidates who were recommended  
228 and denied recommendation to the Governor as new nominees, the  
229 number of incumbent judges recommended and denied  
230 recommendation for appointment to the same court and the number of  
231 incumbent judges recommended and denied recommendation for  
232 appointment to a different court, (3) the statistics regarding the race,  
233 gender, national origin, religion, areas of professional experience and  
234 years of experience as members of the bar of all such candidates and  
235 incumbent judges interviewed, recommended and denied  
236 recommendation under subdivisions (1) and (2) of this subsection, and  
237 (4) as of January first in the year of such report, the number of candidates  
238 on the list compiled by the commission pursuant to subsection (f) of this  
239 section and the statistics regarding the race, gender, national origin,  
240 religion, areas of professional experience, years of experience as  
241 members of the bar and calendar year of recommendation of all such  
242 candidates.

243 (n) The commission shall have the power to enter into such  
244 contractual agreements as may be necessary for the discharge of its  
245 duties concerning the investigation of candidates seeking appointment  
246 to a judicial position and incumbent judges seeking reappointment to  
247 the same court or appointment to a different court, within the limits of



248 appropriated funds and in accordance with established procedures."

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2025</i>	51-44a
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