



General Assembly

Amendment

January Session, 2025

LCO No. 8855



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Offered by:

REP. STAFSTROM, 129th Dist.

REP. FISHBEIN, 90th 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 Section 51-44a of the general statutes is repealed and the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. A list of such qualified
138 candidates shall be compiled by the commission. No candidate shall
139 remain on the list of qualified candidates for more than ten years. A
140 decision of the commission denying a recommendation to a candidate
141 or judge shall include a brief summary that informs the candidate or
142 judge of the reasons for the denial. The form and manner of such
143 statement shall be determined by the commission.

144 (g) In connection with any inquiry concerning the reappointment of
145 an incumbent judge, the commission shall have the power to issue
146 subpoenas requiring the attendance of witnesses and the production of

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

160 (h) (1) Judges of all courts, except those courts to which judges are
161 elected, shall be nominated by the Governor exclusively from the list of
162 candidates or incumbent judges submitted by the Judicial Selection
163 Commission. Any candidate or incumbent judge who is nominated
164 from such list by the Governor to be Chief Justice of the Supreme Court,
165 and who is appointed Chief Justice by the General Assembly, shall serve
166 a term of eight years from the date of appointment. The Governor shall
167 nominate a candidate for a vacancy in a judicial position within forty-
168 five days of the date the Governor receives the recommendations of the
169 commission. When considering the nomination of an incumbent judge
170 for reappointment to the same court, the Governor may nominate the
171 incumbent judge if the commission did not deny recommendation for
172 reappointment. Whenever an incumbent judge is denied
173 recommendation for reappointment to the same court by the
174 commission or is recommended by the commission but not nominated
175 by the Governor for reappointment to the same court, or whenever a
176 vacancy in a judicial position occurs or is anticipated, the Governor shall
177 choose a nominee from the list of candidates compiled pursuant to
178 subsection (f) of this section. (2) Notwithstanding the provisions of
179 subdivision (1) of this subsection and subsection (f) of this section, the
180 Governor may nominate an associate judge of the Supreme Court to be

181 Chief Justice of the Supreme Court without such judge being
182 investigated and interviewed by the commission and being on the list of
183 qualified candidates compiled and submitted to the Governor by the
184 commission. An associate judge of the Supreme Court who has been
185 nominated by the Governor to be Chief Justice of the Supreme Court in
186 accordance with this subdivision, and who is appointed Chief Justice by
187 the General Assembly, shall serve an initial term as Chief Justice equal
188 to the remainder of such judge's term as an associate judge of the
189 Supreme Court.

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

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

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

212 (l) No member of the commission who is an attorney-at-law shall be

213 considered for recommendation to the Governor for nomination as a
214 judge during his tenure on the commission or for a period of [two] three
215 years following the termination of his tenure on the commission.

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

239 (n) The commission shall have the power to enter into such
240 contractual agreements as may be necessary for the discharge of its
241 duties concerning the investigation of candidates seeking appointment
242 to a judicial position and incumbent judges seeking reappointment to
243 the same court or appointment to a different court, within the limits of
244 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, 2025</i>	51-44a