

**S.B. 161**  
**JUDICIAL CONDUCT COMMISSION**

Senator **Gregory S. Bell** proposes the following amendments:

1. *Page 3, Lines 64 through 69m*  
*Senate 2nd Reading Amendments*  
*2-16-2004:*

64 (2) During the course of any investigation, the commission:  
65 (a) shall refer any information relating to the criminal conduct alleged and any  
66 evidence which relates to the allegation to which the judge has been accused, unless plainly  
67 frivolous, to the local prosecuting attorney as provided in Subsection (1)(b); ~~§ [and] §~~  
68 (b) may order a hearing to be held concerning the reprimand, censure, suspension,  
69 removal, or involuntary retirement of a judge[;] ~~§ [;] ;~~  
69a **(c) SHALL, IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT JUDICIAL**  
69b **MISCONDUCT OCCURRED:**  
69c **(I) REVIEW THE RECORD OF ALL COMPLAINTS PREVIOUSLY DISMISSED AGAINST THE**  
**JUDGE;**  
69d **(II) REVIEW THE RECORD OF ALL PREVIOUS ORDERS OF REPRIMAND, CENSURE, OR**  
69e **SUSPENSION ISSUED BY THE COMMISSION AGAINST THE JUDGE; AND**  
69f **(III) REVIEW ALL INFORMATION IN THE COMMISSION'S FILES ON ANY INFORMAL**  
69g **RESOLUTION, INCLUDING ANY LETTER OF ADMONITION, OR CAUTION, THAT THE**  
**COMMISSION**  
69h **ISSUED TO THE JUDGE PRIOR TO MAY 1, 2000; AND**  
69i **(d) MAY [(-, EVEN IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE, )] DISMISS**  
69j **RELATIVELY MINOR MISCONDUCT WITH A WARNING, OR ON CONDITIONS OF NO FURTHER**  
69k **MISBEHAVIOR, ~~even if it finds by a preponderance of the evidence that misconduct~~**  
**occurred, unless one or more of the following conditions have been met:**  
**(i) the respondent judge has previously received a public reprimand, censure, or suspension;**  
**(ii) the respondent judge has previously received any informal reprimand from the**  
**commission prior to May 1, 2004; or**  
**(iii) the misconduct under consideration has been widely reported or is widely known among**  
**court employees, participants in the judicial system, or the general public. [(- BUT THE**  
**COMMISSION MAY NOT ORDER MORE THAN ONE DISMISSAL FOR ANY**  
69l **JUDGE DURING ANY SINGLE TERM OF OFFICE WHEN IT FINDS BY A PREPONDERANCE OF**  
**THE**  
69m **EVIDENCE THAT MISCONDUCT OCCURRED. § -]]**

