



House of Representatives *State of Utah*

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February 23, 2004

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **S.B. 161**, JUDICIAL CONDUCT COMMISSION, by Senator M. Waddoups, with the following amendments:

1. *Page 3, Lines 64 through 69s*

Senate 3rd Reading Amendments

2-18-2004:

- 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); S [and]
- S
- 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 DISMISS RELATIVELY MINOR MISCONDUCT WITH A
- WARNING, OR ON CONDITIONS
- 69j OF NO FURTHER MISBEHAVIOR, EVEN IF IT FINDS BY A

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PREPONDERANCE OF THE EVIDENCE
69k THAT MISCONDUCT OCCURRED, UNLESS ONE OR MORE OF THE
FOLLOWING CONDITIONS HAVE
69l BEEN MET:
69m (i) THE RESPONDENT JUDGE HAS PREVIOUSLY RECEIVED A PUBLIC
REPRIMAND, CENSURE, OR
69n SUSPENSION;
69o (ii) THE RESPONDENT JUDGE HAS PREVIOUSLY RECEIVED ANY
INFORMAL REPRIMAND FROM THE
69p COMMISSION PRIOR TO MAY 1, 2004; OR
69q (iii) THE MISCONDUCT UNDER CONSIDERATION HAS BEEN WIDELY
REPORTED OR IS WIDELY
69r KNOWN AMONG COURT EMPLOYEES, PARTICIPANTS IN THE JUDICIAL
SYSTEM, OR THE GENERAL
69s PUBLIC §]] .

Respectfully,

Ben C. Ferry
Committee Chair

Voting: 9-0-4

3 SB0161.HC1.WPD 2/23/04 9:32 am cwhite/JDH ECM/JDH

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