

**JUDICIAL CONDUCT COMMISSION**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the confidentiality requirements of the Judicial Conduct Commission.

**Highlighted Provisions:**

This bill:

▶ allows the Senate Judicial Confirmation Committee to review relevant complaints, papers, testimony, and records of the Judicial Conduct Commission for the purpose of determining a nominee's fitness for judicial office.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-11-112**, as enacted by Laws of Utah 2008, Chapter 3

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-11-112** is amended to read:

**78A-11-112. Confidentiality.**

(1) The transmission, production, or disclosure of any complaints, papers, or testimony



28 in the course of proceedings before the commission, the masters appointed under Section  
29 78A-11-110, or the Supreme Court may not be introduced in any civil action.

30 (2) The transmission, production, or disclosure of any complaints, papers, or testimony  
31 in the course of proceedings before the commission or the masters appointed under Section  
32 78A-11-110 may be introduced in any criminal action, consistent with the Utah Rules of  
33 Evidence. This information shall be shared with the prosecutor conducting a criminal  
34 investigation or prosecution of a judge as provided in Section 78A-11-106.

35 (3) Complaints, papers, testimony, or the record of the commission's confidential  
36 hearing may not be disclosed by the commission, masters, or any court until the Supreme Court  
37 has entered its final order in accordance with this section, except:

- 38 (a) upon order of the Supreme Court;
- 39 (b) upon the request of the judge who is the subject of the complaint;
- 40 (c) as provided in Subsection (4);
- 41 (d) to aid in a criminal investigation or prosecution as provided in Section 78A-11-106;

42 [~~or~~]

43 (e) to aid in an investigation conducted by the Senate Judicial Confirmation Committee  
44 to determine a nominee's fitness for judicial office; or

45 [~~(e)~~] (f) this information is subject to audit by the Office of Legislative Auditor  
46 General, and any records released to the Office of Legislative Auditor General shall be  
47 maintained as confidential, except:

- 48 (i) for information that has already been made public; and
- 49 (ii) the final written and oral audit report of the Legislative Auditor General may  
50 present information about the commission as long as it contains no specific information that  
51 would easily identify a judge, witness, or complainant.

52 (4) Upon the dismissal of a complaint or allegation against a judge, the dismissal shall  
53 be disclosed without consent of the judge to the person who filed the complaint.

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**Legislative Review Note**  
**as of 3-2-09 10:52 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 271 - Judicial Conduct Commission Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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