

Senator Karen Mayne proposes the following substitute bill:

JUDICIAL CONDUCT COMMISSION AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Brian S. King

LONG TITLE

General Description:

This bill allows the Utah Supreme Court discretion in appointing judges to the Judicial Conduct Commission.

Highlighted Provisions:

This bill:

▶ allows the Utah Supreme Court to appoint a justice court judge to the Judicial Conduct Commission ~~and~~ .

~~[allows the Judicial Conduct Commission discretion to dismiss a complaint against a judge, even if it finds by a preponderance of the evidence that judicial misconduct occurred, if it determines that a public sanction is not warranted.]~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-11-103, as renumbered and amended by Laws of Utah 2008, Chapter 3

78A-11-110, as enacted by Laws of Utah 2008, Chapter 3



88 (b) Any finding or order shall be made upon a majority vote of the quorum.

89 (2) Alternatively, the commission may appoint three special masters, who are judges of
90 courts of record, to hear and take evidence in the matter and to report to the commission.

91 (3) (a) After the hearing or after considering the record and report of the masters, if the

92 commission finds by a preponderance of the evidence that misconduct occurred ~~H~~→ **[and**

92a **determines**

93 **that a public sanction is warranted** ←~~H~~ , it shall order the reprimand, censure, suspension, removal,
94 or involuntary retirement of the judge.

95 (b) When a commission order is sent to the Supreme Court, it shall also be:

96 (i) publicly disclosed; and

97 (ii) sent to the entity that appointed the judge.

98 (c) In recommending any order, including stipulated orders, the commission may not
99 place, or attempt to place, any condition or limitation upon the Supreme Court's constitutional
100 power to:

101 (i) review the commission's proceedings as to both law and fact; or

102 (ii) implement, reject, or modify a commission order.

103 (4) When the commission issues any order, including a stipulated order, that is sent to
104 the Supreme Court, the record shall include:

105 (a) the original complaint and any other information regarding violations, or potential
106 violations, of the Code of Judicial Conduct;

107 (b) the charges;

108 (c) all correspondence and other documents which passed between the commission and
109 the judge;

110 (d) all letters which may explain the charges;

111 (e) all affidavits, subpoenas, and testimony of witnesses;

112 (f) the commission's findings of fact and conclusions of law;

113 (g) a transcript of any proceedings, including hearings on motions;

114 (h) a copy of each exhibit admitted into evidence;

115 (i) a summary of all the complaints dismissed by the commission against the judge

116 which contained allegations or information similar in nature to the misconduct under review by
117 the Supreme Court;

118 (j) a summary of all the orders implemented, rejected, or modified by the Supreme