

HOUSE No. 5265

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 20, 2000.

The committee on Ways and Means, to whom was referred the Bill relative to the Commission on Judicial Conduct (House, No. 3311), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5265).

For the committee,

PAUL R. HALEY.

The Commonwealth of Massachusetts

In the Year Two Thousand.

AN ACT RELATIVE TO THE COMMISSION ON JUDICIAL CONDUCT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 211 of the General Laws, as appearing in
2 the 1999 Official Edition, is hereby amended by adding the
3 following section:—

4 Section 2B. The Commonwealth shall provide liability insur-
5 ance to insure justices appointed pursuant to chapters two hundred
6 and eleven A, two hundred and eleven B and two hundred and
7 eleven C while in the performance of administrative and judicial
8 functions.

1 SECTION 2. Section 3 of said Chapter 211C of the General
2 Laws is hereby amended by striking out the first sentence of para-
3 graph (3) and inserting in place thereof the following:

4 (3) The Commission shall appoint an executive director subject
5 to the approval of the supreme judicial court. The executive
6 director shall serve for a term of five years and may be appointed
7 to subsequent five-year terms each additional subject to the
8 approval of the supreme judicial court.

1 SECTION 3. Section 5 of said Chapter 211C of the General
2 Laws is hereby amended by striking out paragraph (2) and
3 inserting in place thereof the following paragraph:

4 (2) The commission shall notify the judge of the proceedings
5 and their subject matter before commencing and inquiry, investi-
6 gation or evaluation.

7 (a) No investigation or proceeding may commence upon the
8 submission of an anonymous complaint and no secret investiga-
9 tion or proceeding may commence until the commission has sub-
10 mitted the anonymous complaint, or has submitted its reasons for
11 requesting a secret investigation, to the supreme judicial court for
12 its approval to commence an investigation. Any secret investiga-

13 tion may commence only when there is a substantial showing of a
14 risk of reprisal or a substantial likelihood of the destruction of evi-
15 dence.

16 (b) Upon the authorization by supreme judicial court to investi-
17 gate an anonymous complaint, the commission shall immediately
18 follow the procedure provided by this section.

1 SECTION 4. Notwithstanding any general or special law to the
2 contrary, the commission shall, within ninety days of the effective
3 date of this act, submit to the supreme judicial court, its recom-
4 mendation of a person to fill the position of executive director to
5 the commission for the initial five year term. The current incum-
6 bent in that position shall not be prohibited from applying for the
7 position of executive director under the provisions of this act.

