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HOUSE BILL NO. 808

Offered January 22, 1996

A BILL to amend and reenact §§ 2.1-37.13 and 2.1-37.17:1 of the Code of Virginia, relating to confidential papers of the Judicial Inquiry and Review Commission; exception.

Patron—Hall

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.1-37.13 and 2.1-37.17:1 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-37.13. Confidentiality of papers and proceedings.

All papers filed with and proceedings before the Commission, and under §§ 2.1-37.11 and 2.1-37.12, including the identification of the subject judge as well as all testimony and other evidence and any transcript thereof made by a reporter, shall be confidential and shall not be divulged, other than to the Commission, by any person who either files a complaint with the Commission, or receives such complaint in an official capacity, or investigates such complaint, is interviewed concerning such complaint by a member, employee or agent of the Commission, or participates in any proceeding of the Commission, or the official recording or transcription thereof, except that the record of any proceeding filed with the Supreme Court shall lose its confidential character. However, if the Commission finds cause to believe that any witness under oath has willfully and intentionally testified falsely, the Commission may direct the chairman or one of its members to report such finding and the details leading thereto including any transcript thereof to the attorney for the Commonwealth of the city or county where such act occurred for such disposition as to a charge of perjury as the Commonwealth may be advised. In any subsequent prosecution for perjury based thereon, the proceedings before the Commission relevant thereto shall lose their confidential character.

The Commission shall keep and maintain a record of all complaints it receives within the Commission's confidential files. Such files shall remain confidential except as herein provided or as provided in subdivision 2 of § 2.1-37.17:1.

All records of proceedings before the Commission which are not filed with the Supreme Court in connection with a formal complaint filed with that tribunal, shall be kept in the confidential files of the Commission.

However, a judge who is under investigation by the Commission, or any person authorized by him, may divulge information pertaining to a complaint filed against such judge as may be necessary for the judge to investigate the allegations in the complaint in preparation for the proceedings before the Commission.

§ 2.1-37.17:1. Transmission of certain information to Virginia State Bar and General Assembly.

The Judicial Inquiry and Review Commission is authorized to transmit to:

1. The appropriate District Committee of the Virginia State Bar, any complaint or evidence with reference thereto that may come to its attention with reference to the alleged misconduct of a part-time judge or substitute judge of a court not of record which relates to his private practice of law;

2. ~~The House Committee for Courts of Justice and the Senate Committee for Courts of Justice~~ Any member of the General Assembly, upon the request of the chairman of either committee member, any evidence that it has in its possession with reference to the alleged misconduct of any judge whose election is to be considered at the next session of the General Assembly.

INTRODUCED

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