

Senate Study Bill 1191 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to access to confidential records of the
2 commission on judicial qualifications by members of the
3 general assembly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.2103, Code 2023, is amended to read
2 as follows:

3 **602.2103 Operation of commission.**

4 A quorum of the commission is four members. Only those
5 commission members that are present at commission meetings
6 or hearings may vote. An application by the commission to
7 the supreme court to retire, discipline, or remove a judicial
8 officer, or discipline or remove an employee of the judicial
9 branch, or an action by the commission which affects the final
10 disposition of a complaint, requires the affirmative vote of
11 at least four commission members. Notwithstanding [chapter 21](#)
12 and [chapter 22](#), all records, papers, proceedings, meetings,
13 and hearings of the commission are confidential, but if the
14 commission applies to the supreme court to retire, discipline,
15 or remove a judicial officer, or to discipline or remove an
16 employee of the judicial branch, the application and all of the
17 records and papers in that proceeding are public documents.
18 Upon request, a member of the general assembly shall have
19 access to confidential complaints, decisions, actions, records,
20 papers, or other information taken by the commission. A member
21 of the general assembly provided access by the commission
22 shall keep all information received confidential. A member
23 of the general assembly that is party to an action before a
24 judicial officer shall not be allowed to request or obtain
25 access to complaints, decisions, actions, records, papers, or
26 other information provided to the commission pertaining to
27 that judicial officer until the action is final and may not be
28 appealed.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to confidential records of the commission
33 on judicial qualifications. The commission on judicial
34 qualifications considers charges made against judicial officers
35 and employees of the judicial branch and determines whether to

1 make an application to the supreme court to retire, discipline,
2 or remove a judicial officer or remove a judicial branch
3 employee. The records of the commission are confidential
4 unless the commission decides to apply to the supreme court to
5 take action against the judicial officer or employee, in which
6 case the records become public documents. The bill provides
7 that a member of the general assembly shall, upon request, have
8 access to the commission on judicial qualifications' records.
9 A member of the general assembly with access is required
10 to keep the records confidential. A member of the general
11 assembly that is party to an action shall not be allowed to
12 request records relating to the judicial officer presiding over
13 the action until the action is final and may not be appealed.