

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB441 **Patron:** Hope
Bill Title: Judicial Inquiry and Review Commission; reform.

Bill Summary: Increases from seven to nine the number of members of the Judicial Inquiry and Review Commission (the Commission) by adding two additional attorney members. The bill provides that such attorney members be chosen by members of the General Assembly from recommendations provided by the Council of the Virginia State Bar, the Board of Directors for the Virginia Association of Commonwealth's Attorneys, and the Board of Directors for the Virginia Association of Criminal Defense Lawyers, and reduces the required years of practice for such lawyer members from 15 to eight. The bill establishes an initial and subsequent annual training requirement for each member and any newly hired counsel for the Commission. Additionally, the bill requires the Commission to adopt and implement a conflict of interest policy. The bill clarifies appointment powers of the Governor in any case where a member of the Commission or staff for the Commission is disqualified from or voluntarily recuses himself from participation in a proceeding. Further, the bill requires the Commission to adopt and make publicly available a Code of Conduct for all Commission members and Commission staff. The bill provides that the Commission shall make all reasonable efforts to contact any witnesses specified in complaints alleging judicial misconduct. The bill additionally requires the Commission to provide an opportunity to a complainant to respond to any defense presented by the subject judge in any formal or informal hearing. Further, the bill clarifies that the Commission may investigate any complaints within their purview arising out of matters that are pending or on appeal, and that the Commission shall not dismiss such complaints solely on the basis that the matter from which such complaint arose is pending or on appeal. The bill requires the Commission to make publicly available a publication specifying all possible sanctions or informal disciplinary actions the Commission may impose on a judge who is the subject of a complaint and provides an option for requiring the mandatory recusal of such judge in certain instances. The bill prohibits the Attorney General from acting as counsel in any proceeding where the Attorney General was involved in a case, either at trial or on appeal, where a complaint of judicial misconduct arose from such case. The bill removes provisions of confidentiality for a complainant that currently bars a complainant from discussing or sharing privileged information regarding any filed complaint and permits such complainant to discuss publicly the filing of a complaint and any associated events relating to the complaint. The bill clarifies notice requirements to the complainant by the Commission. Finally, the bill permits the Office of the Executive Secretary of the Supreme Court of Virginia to transmit any comments submitted alleging judicial misconduct as part of a response to a judicial performance evaluation program survey to the Commission and provides that the Commission may consider such comments subject to certain provisions. The bill provides that the Commission shall keep confidential any comments transmitted in this manner.

Budget Amendment Necessary: None
Explanation: N/A

Items Impacted: N/A

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Fiscal Summary: There is no anticipated impact on state agencies.

Fiscal Analysis: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, there is no anticipated fiscal impact from the bill.

Other: None.