

**78A-7-103 Minimum standards of justice courts -- Authority of Judicial Council over justice courts.**

- (1) The Judicial Council shall ensure that:
- (a) procedures include requirements that every municipality or county that establishes or maintains a justice court provide for the following minimum operating standards:
    - (i) a system to ensure the justice court records all proceedings with a digital audio recording device and maintains the audio recordings for a minimum of one year;
    - (ii) sufficient prosecutors to perform the prosecutorial duties before the justice court;
    - (iii) adequate funding to defend all persons charged with a public offense who are determined by the justice court to be indigent under Title 77, Chapter 32, Indigent Defense Act;
    - (iv) sufficient local peace officers to provide security for the justice court and to attend to the justice court when required;
    - (v) sufficient clerical personnel to serve the needs of the justice court;
    - (vi) sufficient funds to cover the cost of travel and training expenses of clerical personnel and judges at training sessions mandated by the Judicial Council;
    - (vii) adequate courtroom and auxiliary space for the justice court, which need not be specifically constructed for or allocated solely for the justice court when existing facilities adequately serve the purposes of the justice court; and
    - (viii) for each judge of its justice court, a current copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge; and
  - (b) the Judicial Council's rules and procedures shall:
    - (i) presume that existing justice courts will be recertified at the end of each four-year term if the court continues to meet the minimum requirements for the establishment of a new justice court; or
    - (ii) authorize the Judicial Council, upon request of a municipality or county or upon its own review, when a justice court does not meet the minimum requirements, to:
      - (A) decline recertification of a justice court;
      - (B) revoke the certification of a justice court;
      - (C) extend the time for a justice court to comply with the minimum requirements; or
      - (D) suspend rules of the Judicial Council governing justice courts, if the council believes suspending those rules is the appropriate administrative remedy for the justice courts of this state.

Repealed and Re-enacted by Chapter 205, 2012 General Session