

28 ~~[(iii) adjudicate those matters within the jurisdiction of the justice court in a county~~
29 ~~precinct justice court.]~~

30 (b) A municipality or county that has created a justice court may change the form of its
31 court to another listed in Subsection (1)(a) without being considered to have created a court.

32 (2) Justice courts shall be divided into the following classes:

33 (a) Class I: 501 or more citations or cases filed per month;

34 (b) Class II: 201-500 citations or cases filed per month;

35 (c) Class III: 61-200 citations or cases filed per month; and

36 (d) Class IV: 60 or fewer citations or cases filed per month.

37 (3) Municipalities or counties can elect to create a Class I or Class II justice court by filing
38 a written declaration with the Judicial Council on or before July 1 at least two years prior to the
39 effective date of the election. Upon demonstration of compliance with operating standards as
40 established by statute and the Judicial Council, the Judicial Council shall certify the creation of the
41 court pursuant to Section 78-5-139.

42 (4) (a) Except as provided in Subsection (5), municipalities or counties can elect to create
43 a Class III or Class IV justice court by establishing the need for the court and filing a written
44 declaration with the Judicial Council on or before July 1 at least one year prior to the effective date
45 of the election.

46 (b) In evaluating the need for the creation of a Class III or Class IV justice court, the
47 Judicial Council shall consider factors of population, case filings, public convenience, availability
48 of law enforcement agencies and court support services, proximity to other courts, and any special
49 circumstances.

50 (c) The Judicial Council shall determine whether the municipality or county seeking to
51 create a Class III or Class IV justice court has established the need for the court.

52 (d) Upon demonstration of compliance with operating standards as established by statute
53 and the Judicial Council, the Judicial Council shall certify the creation of the court pursuant to
54 Section 78-5-139.

55 (5) (a) The following municipalities may create a justice court by filing a written
56 declaration with the Judicial Council: American Fork, Bountiful, Brigham City, Cedar City,
57 Clearfield, Elk Ridge, Kaysville, Layton, Logan, Moab, Murray, Ogden, Orem, Park City, Price,
58 Provo, Richfield, Roosevelt, Roy, Salem, Salt Lake City, Sandy, Spanish Fork, St. George,

59 Taylorsville, Tooele, Vernal, and West Valley City.

60 (b) To form a Class I or Class II justice court, the municipalities listed in Subsection (5)(a)
61 shall file a written declaration with the Judicial Council on or before July 1 at least two years prior
62 to the effective date of the election.

63 (c) To form a Class III or Class IV justice court, the municipalities listed in Subsection
64 (5)(a) shall file a written declaration with the Judicial Council on or before July 1 at least one year
65 prior to the effective date of the election.

66 (d) Upon demonstration of compliance with operating standards as established by statute
67 and the Judicial Council, the Judicial Council shall certify the creation of the court pursuant to
68 Section 78-5-139.

69 (6) Upon request from a municipality or county seeking to create a justice court, the
70 Judicial Council may shorten the time required between the city's or county's written declaration
71 or election to create a justice court and the effective date of the election.

72 (7) The Judicial Council may by rule provide resources and procedures adequate for the
73 timely disposition of all matters brought before the courts. The administrative office of the courts
74 and local governments shall cooperate in allocating resources to operate the courts in the most
75 efficient and effective manner based on the allocation of responsibility between courts of record
76 and not of record.

77 Section 3. Section **78-5-138** is amended to read:

78 **78-5-138. Temporary justice court judge.**

79 If a justice court judge is absent or disqualified, the appointing authority may appoint
80 another justice court judge currently holding office within the [county] judicial district to serve as
81 a temporary justice court judge. A retired justice court judge may also be appointed as a temporary
82 justice court judge under rule of the Supreme Court.

Legislative Review Note
as of 1-21-99 12:41 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel