

**JUDICIAL PERFORMANCE EVALUATION COMMISSION**

**AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Eric K. Hutchings**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the Judicial Performance Evaluation Commission Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ includes justice court judges as subject to an evaluation process performed by the Judicial Performance Evaluation Commission; and
- ▶ creates the criteria for the evaluation of justice court judges under the direction of the Judicial Performance Evaluation Commission.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-12-102**, as enacted by Laws of Utah 2008, Chapter 248

ENACTS:

**78A-12-207**, Utah Code Annotated 1953



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-12-102** is amended to read:

**78A-12-102. Definitions.**

As used in this chapter:

(1) "Commission" means the Judicial Performance Evaluation Commission established by this chapter.

(2) [~~"Judge"~~] Except as provided in Section [78A-12-207](#), "judge" means a state court judge or a state court justice who is subject to a retention election.

(3) "Justice" means a judge who is a member of the Supreme Court.

(4) "Justice court judge" means a judge appointed pursuant to Title 78A, Chapter 7, Justice Court.

Section 2. Section **78A-12-207** is enacted to read:

**78A-12-207. Evaluation of justice court judges.**

(1) The Judicial Performance Evaluation Commission shall:

(a) conduct a performance evaluation for each justice court judge in the third and fifth year of the justice court judge's term;

(b) classify each justice court judge into one of the following three categories:

(i) full evaluation;

(ii) midlevel evaluation; or

(iii) basic evaluation; and

(c) establish evaluation criteria for each of the three categories.

(2) A full evaluation justice court judge shall be subject to the requirements of the Judicial Performance Evaluation Commission Act.

(3) A midlevel evaluation justice court judge shall be governed by the Judicial Performance Evaluation Commission Act, except as provided below:

(a) an electronic intercept survey shall be administered by the commission periodically outside the courtroom of the evaluated justice court judge in lieu of the survey specified in

Section [78A-12-204](#); and

(b) courtroom observation may not be conducted for midlevel evaluation justice court judges.

59           (4) A basic evaluation justice court judge shall ~~H→~~ **be governed by the Judicial**  
59a **Performance Evaluation Commission Act, except as provided below:**  
59b           **(a) basic evaluation justice court judges shall ~~←H~~ comply with H→ [the following]**  
59c **minimum ~~←H~~ performance**  
60 **standards H→ [:**  
61 **—— (a) no fewer than 30 hours of continuing judicial education for each year of the justice**  
62 **court judge's current term;**  
63 **—— (b) no more than one public reprimand issued by the Judicial Conduct Commission or**  
64 **the Supreme Court during the justice court judge's current term;**  
65 **—— (c) no cases under advisement for more than two months during the justice court**  
66 **judge's current term; and**  
67 **—— (d) other performance standards the commission may promulgate by administrative**  
68 **rule] for judicial education, judicial conduct, cases under advisement, and any other standards**  
68a **the commission may promulgate by administrative rule; and**  
68b           **(b) courtroom observation and surveys may not be conducted for basic evaluation**  
68c **justice court judges ~~←H~~ .**

Legislative Review Note  
as of 1-23-14 9:12 AM

Office of Legislative Research and General Counsel