

Representative Craig Hall proposes the following substitute bill:

JUSTICE COURT JUDGE QUALIFICATIONS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires justice court judges to be law school graduates.

Highlighted Provisions:

This bill:

- ▶ requires justice court judges to have graduated from law school; and
- ▶ grandfathers in current justice court judges until their next retention election.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-201, as last amended by Laws of Utah 2012, Chapter 205

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

Section 1. Section **78A-7-201** is amended to read:

78A-7-201. Justice court judge eligibility -- Mandatory retirement.

(1) A justice court judge shall be:



- 26 (a) a citizen of the United States;
 27 (b) 25 years of age or older;
 28 (c) a resident of Utah for at least three years immediately preceding [his] appointment;
 29 (d) a resident of the county in which the court is located or an adjacent county for at
 30 least six months immediately preceding appointment; and
 31 (e) a qualified voter of the county in which the judge resides.

32 (2) ~~Ĥ→~~ **[Justice]** Effective May 10, 2016, justice ~~←Ĥ~~ court judges are not required to
 32a be admitted to practice law in the state as a
 33 qualification to hold office but ~~Ĥ→~~ **in first, second, and third class counties judges** ~~←Ĥ~~ shall
 33a have ~~[at the minimum a diploma of graduation from high~~
 34 ~~school or its equivalent]~~ a degree from a law school that makes one eligible to apply for
 35 admission to a bar in any state.

36 (3) A justice court judge shall be a person who has demonstrated maturity of judgment,
 37 integrity, and the ability to understand and apply appropriate law with impartiality.

38 (4) A Justice court [judges] judge shall retire upon attaining the age of 75 years.

39 (5) (a) If there are no applicants for a justice court judge position who meet the
 40 requirements of Subsection (2), the justice court nominating commission may accept
 41 applications from persons who do not meet the requirements of Subsection (1)(d).

42 (b) If, after waiving the requirements of Subsection (1)(d), there are no applicants for a
 43 justice court judge position who meet the requirements of Subsection (2), the justice court
 44 nominating commission may accept applications from persons who do not meet the
 45 requirements of Subsection (2).

46 (6) (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the
 47 Courts shall provide notice to all attorneys in the county and adjacent counties when a justice
 48 court judge position is vacant.

49 (b) If the justice court nominating commission waives the requirement of Subsection
 50 (1)(d) in accordance with Subsection (5)(a), the Administrative Office of the Courts shall
 51 provide notice to all attorneys in the state.

52 (7) A justice court judge sitting on the bench on January 30, 2017, who does not meet
 53 the qualification in Subsection (2) may continue in the judge's position until ~~Ĥ→~~ **retirement,**
 54a **resignation, or removal from the position** ~~[the end of the~~
 54 ~~current term, but may not stand for retention at the end of the term]~~ ~~←Ĥ~~ .

54a ~~Ĥ→~~ **(8) Justice court judges in fourth, fifth, and sixth class counties shall continue to be**
 54b **governed by the statutory requirements in effect prior to May 10, 2016.** ~~←Ĥ~~