

**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: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

This bill requires justice court judges in the first ~~and~~ second ~~and~~ ~~third~~ class counties to be law school graduates.

**Highlighted Provisions:**

This bill:

- requires justice court judges in counties of the first ~~and~~ second ~~and~~ ~~third~~ class to have graduated from law school; and
- allows current justice court judges until to remain on the bench until they leave.

**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

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

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



26 **78A-7-201. Justice court judge eligibility -- Mandatory retirement.**

27 (1) A justice court judge shall be:

28 (a) a citizen of the United States;

29 (b) 25 years of age or older;

30 (c) a resident of Utah for at least three years immediately preceding his appointment;

31 (d) a resident of the county in which the court is located or an adjacent county for at

32 least six months immediately preceding appointment; and

33 (e) a qualified voter of the county in which the judge resides.

34 (2) ~~[Justice]~~ Effective May 10, 2016, a justice court ~~[judges are]~~ judge is not required  
35 to be admitted to practice law in the state as a qualification to hold office but:

36 (a) in counties of the first ~~H→ [i]~~ and ~~←H~~ second ~~H→ [i]~~ ~~and third~~ ~~←H~~ class, a  
36a justice court judge shall have a  
37 degree from a law school that makes one eligible to apply for admission to a bar in any state;  
38 and

39 (b) in counties of the ~~H→~~ third, ~~←H~~ fourth, fifth, and sixth class, a justice court judge  
39a shall have at the  
40 minimum a diploma of graduation from high school or its equivalent.

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

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

44 (5) In counties of the first ~~H→ [i]~~ and ~~←H~~ second ~~H→ [i]~~ ~~and third~~ ~~←H~~ class, if  
44a there are not at least three  
45 applicants for a justice court judge position who meet the requirements of Subsection (2)(a),  
46 the justice court nominating commission shall re-advertise the position, and may accept  
47 applications from persons who do not meet the requirements of Subsections (1)(d) and (2)(a).  
48 (6) (a) In accordance with Subsection [78A-7-202\(3\)](#), the Administrative Office of the  
49 Courts shall provide notice to all attorneys in the county and adjacent counties when a justice  
50 court judge position is vacant.

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

54 (7) A justice court judge sitting on the bench on May 10, 2016 who does not meet the  
55 qualification in Subsection (2)(a) may continue in the judge's position until the judge resigns,  
56 retires, is not retained in a retention election, or is removed from office.