

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 admitted to the practice of law.

Highlighted Provisions:

This bill:

- ▶ requires justice court judges to be admitted to the practice of law within this state;
- ▶ is companion legislation to a proposed constitutional amendment; and
- ▶ contains language making it effective only upon passage of the constitutional

amendment.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

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:



28 (a) a citizen of the United States;

29 (b) 25 years of age or older;

30 (c) admitted to practice law in this state;

31 ~~[(c)]~~ (d) a resident of Utah for at least three years immediately preceding [his]

32 appointment;

33 ~~[(d)]~~ (e) a resident of the county in which the court is located or an adjacent county for
34 at least six months immediately preceding appointment; and

35 ~~[(e)]~~ (f) a qualified voter of the county in which the judge resides.

36 ~~[(2) Justice court judges are not required to be admitted to practice law in the state as a
37 qualification to hold office but shall have at the minimum a diploma of graduation from high
38 school or its equivalent.]~~

39 ~~[(3)]~~ (2) A justice court judge shall be a person who has demonstrated maturity of
40 judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

41 ~~[(4)]~~ (3) A Justice court ~~[judges]~~ judge shall retire upon attaining the age of 75 years.

42 Section 2. **Contingent effective date.**

43 The amendments proposed by this bill shall have the same effective date as H.J.R. 1,
44 Proposal to Amend Utah Constitution - Judges of Courts Not of Record, if H.J.R. 1 passes
45 during the 2016 General Session, and is approved by a majority of those voting on it at the next
46 regular general election.

Legislative Review Note
Office of Legislative Research and General Counsel