

Chris H. Wilson proposes the following substitute bill:

Judicial Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill modifies provisions relating to the Supreme Court.

Highlighted Provisions:

This bill:

▸ modifies provisions governing the membership and internal management of the Supreme Court;

▸ provides that the governor shall appoint a chief justice of the Supreme Court (chief justice) when a vacancy in the office occurs;

▸ modifies provisions related to an interim chief justice and appointment procedures;

▸ requires that a governor's selection for chief justice is subject to the advice and consent of the Senate; and

▸ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-3-101, as last amended by Laws of Utah 2022, Chapter 276

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

Section 1. Section **78A-3-101** is amended to read:

78A-3-101 . Number of justices -- Terms -- Appointment by governor with advice and consent of Senate -- Chief justice and associate chief justice -- Selection and functions.

(1) The Supreme Court consists of five justices.

- 29 (2)(a) A justice of the Supreme Court shall be appointed initially to serve until the first
30 general election held more than three years after the effective date of the
31 appointment.
- 32 (b) After the first term of appointment under Subsection (2)(a), the term of office of a
33 justice of the Supreme Court is 10 years and commences on the first Monday in
34 January following the date of election.
- 35 ~~[(c) A justice whose term expires may serve upon request of the Judicial Council until a
36 successor is appointed and qualified.]~~
- 37 (3)(a) ~~[The justices of the Supreme Court shall elect a chief justice from among the
38 members of the court by a majority vote of all justices.]~~ Upon any vacancy in the
39 office of chief justice, including expiration of a term of the office of chief justice, or
40 upon a chief justice's death, removal, or resignation, the governor shall appoint a
41 chief justice from among the members of the Supreme Court, with the advice and
42 consent of the Senate.
- 43 (b) The term of the office of chief justice is four years.
- 44 (c) The chief justice may serve successive terms, subject to reappointment by the
45 governor with the advice and consent of the Senate as required by this section.
- 46 (d) The chief justice may resign from the office of chief justice without resigning from
47 the Supreme Court.
- 48 (e) The chief justice may be removed from the office of chief justice by a majority vote
49 of all justices of the Supreme Court.
- 50 (f) The chief justice shall receive the sum of \$2,000 per annum as additional
51 compensation for the period served as chief justice.
- 52 (4)(a) ~~If [the justices are unable to elect a chief justice]~~ a chief justice has not been
53 appointed by the governor and confirmed by the Senate within 30 days of a vacancy
54 in that office, the associate chief justice shall act as interim chief justice until a chief
55 justice is ~~[elected]~~ appointed and confirmed under this section.
- 56 (b) If the associate chief justice is unable or unwilling to act as interim chief justice
57 under Subsection (4)(a), the most senior justice shall act as interim chief justice until
58 a chief justice is ~~[elected]~~ appointed and confirmed under this section.
- 59 (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief
60 justice has duties as provided by law.
- 61 (6)(a) There is created the office of associate chief justice.
- 62 (b) The term of office of the associate chief justice is two years.

- 63 (c) The associate chief justice shall be:
- 64 (i) elected by a majority vote of the members of the Supreme Court; and
- 65 (ii) allocated duties as the chief justice determines.
- 66 (d) If the chief justice is absent or otherwise unable to serve, the associate chief justice
- 67 shall serve as chief justice.
- 68 (e) The chief justice may delegate responsibilities to the associate chief justice as
- 69 consistent with law.
- 70 (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period
- 71 served as associate chief justice.

72 Section 2. **Effective Date.**

73 This bill takes effect on May 7, 2025.