

Appellate Court Jurisdiction Amendments

2025 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill amends and clarifies the jurisdiction of Utah appellate courts.

Highlighted Provisions:

This bill:

- clarifies the exclusive and original appellate jurisdiction of the Utah Supreme Court;
- provides that a final judgment in certain cases is appealable even if a motion or claim for attorney fees has not been entered by the district court;
- clarifies the jurisdiction of the Utah Court of Appeals; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

78A-3-102, as last amended by Laws of Utah 2025, Chapters 190, 456

78A-4-103, as last amended by Laws of Utah 2025, Chapters 190, 456

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

Section 1. Section **78A-3-102** is amended to read:

78A-3-102 . Jurisdiction of Supreme Court.

- (1) The Supreme Court has original jurisdiction to answer questions of state law certified by a court of the United States.
- (2) The Supreme Court has original jurisdiction to issue all extraordinary writs and

28 authority to issue all writs and process necessary to carry into effect the Supreme Court's
29 orders, judgments, and decrees or in aid of [its jurisdiction] the jurisdiction of the
30 Supreme Court.

31 [(3) The Supreme Court has appellate jurisdiction, including jurisdiction of interlocutory
32 appeals, over:]

33 [(a) a judgment of the Court of Appeals;]

34 [(b) cases certified to the Supreme Court by the Court of Appeals prior to final judgment
35 by the Court of Appeals;]

36 [(c) discipline of lawyers;]

37 [(d) final orders of the Judicial Conduct Commission;]

38 [(e) a final agency action, as described in Section 63G-4-403, in a formal adjudicative
39 proceeding originating from:]

40 [(i) the Public Service Commission;]

41 [(ii) the State Tax Commission;]

42 [(iii) the School and Institutional Trust Lands Board of Trustees;]

43 [(iv) the Board of Oil, Gas, and Mining;]

44 [(v) the state engineer; or]

45 [(vi) the executive director of the Department of Natural Resources reviewing actions
46 of the Division of Forestry, Fire, and State Lands;]

47 [(f) final orders and decrees of the district court review of informal adjudicative
48 proceedings of agencies under Subsection (3)(e);]

49 [(g) a final judgment or decree of any court of record holding a statute of the United
50 States or this state unconstitutional on its face under the Constitution of the United
51 States or the Utah Constitution;]

52 [(h) interlocutory appeals from any court of record involving a charge of a first degree or
53 capital felony;]

54 [(i) appeals from the district court involving a conviction or charge of a first degree
55 felony or capital felony;]

56 [(j) orders, judgments, and decrees of any court of record over which the Court of
57 Appeals does not have original appellate jurisdiction;]

58 [(k) appeals from the district court of orders, judgments, or decrees ruling on legislative
59 subpoenas; and]

60 [(l) an appeal of an injunctive order as described in Section 78B-5-1002.]

61 [(4) The Supreme Court may transfer to the Court of Appeals any of the matters over which

the Supreme Court has original appellate jurisdiction, except for:]

[(a) capital felony convictions or an appeal of an interlocutory order of a court of record involving a charge of a capital felony;]

[(b) election and voting contests;]

[(c) reapportionment of election districts;]

[(d) retention or removal of public officers;]

[(e) matters involving legislative subpoenas; and]

[(f) a matter described in Subsections (3)(a) through (d) or Subsection (3)(1).]

(3)(a) The Supreme Court has exclusive and original appellate jurisdiction, including exclusive and original appellate jurisdiction of an interlocutory appeal, over:

(i) a judgment of the Court of Appeals;

(ii) a case certified to the Supreme Court by the Court of Appeals before final judgment by the Court of Appeals;

(iii) the discipline of a lawyer;

(iv) a final order of the Judicial Conduct Commission;

(v) an interlocutory appeal from a court of record involving a capital felony;

(vi) an appeal from the district court involving a conviction or charge of a capital felony;

(vii) an appeal from the district court of an order, judgment, or decree ruling on a legislative subpoena;

(viii) an appeal of an injunctive order as described in Section 78B-5-1002;

(ix) a judgment, or an interlocutory appeal of an order, of a district court involving:

(A) an election or voting contest; or

(B) the establishment of boundaries of political districts for purposes of an election; and

(x) the retention or removal of a public officer.

(b) The Supreme Court may not transfer any matter described in Subsection (3)(a) to the Court of Appeals.

(c) In a case involving an election or voting contest or the establishment of boundaries of political districts for purposes of an election, a judgment is appealable to the Supreme Court even if:

(i) a party files a motion or claim for attorney fees under Rule 73 of the Utah Rules of Civil Procedure in the district court; and

(ii) the district court has not entered a dispositive order for that motion or claim.

- (4)(a) In addition to Subsection (3)(a), the Supreme Court has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:
- (i) a final agency action, as described in Section 63G-4-403, in a formal adjudicative proceeding originating from:
 - (A) the Public Service Commission;
 - (B) the State Tax Commission;
 - (C) the School and Institutional Trust Lands Board of Trustees;
 - (D) the Board of Oil, Gas, and Mining;
 - (E) the state engineer; or
 - (F) the executive director of the Department of Natural Resources reviewing an action of the Division of Forestry, Fire, and State Lands;
 - (ii) a final order or decree of the district court review of an informal adjudicative proceeding of an agency described in Subsection (4)(a)(i);
 - (iii) a final judgment or decree of a court of record holding a statute of the United States or this state is unconstitutional on its face under the Constitution of the United States or the Utah Constitution;
 - (iv) an interlocutory appeal from a court of record involving a first degree felony;
 - (v) an appeal from a district court involving a conviction or charge of a first degree felony; and
 - (vi) an order, judgment, or decree of a court of record over which the Court of Appeals does not have appellate jurisdiction.
- (b) The Supreme Court may transfer any matter described in Subsection (4)(a) to the Court of Appeals.
- (5)(a) The Supreme Court has sole discretion in granting or denying a petition for writ of certiorari for the review of a Court of Appeals adjudication~~[-but the] .~~
- (b) Notwithstanding Subsection (5)(a), the Supreme Court shall review [those cases] a case certified to the Supreme Court by the Court of Appeals under Subsection [(3)(b)] (3)(a)(ii).
- (6) The Supreme Court shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in the Supreme Court's review of ~~[agency adjudicative proceedings]~~ an agency adjudicative proceeding.
- Section 2. Section **78A-4-103** is amended to read:
- 78A-4-103 . Jurisdiction of Court of Appeals.**
- (1) As used in this section, "adjudicative proceeding" does not include a proceeding under

Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section 63G-2-404.

(2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:

(a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or

(b) in aid of the jurisdiction of the Court of Appeals.

(3) The Court of Appeals has original appellate jurisdiction, including ~~[jurisdiction of interlocutory appeals]~~ original appellate jurisdiction of an interlocutory appeal, over:

(a)(i) except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as described in Section 63G-4-403, originating from:

(A) a formal adjudicative proceeding of a state agency;

(B) a special adjudicative proceeding, as described in Section 19-1-301.5; or

(C) a hearing before a local school board or the State Board of Education as described in Section 53G-11-515; or

(ii) except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district court review of an informal adjudicative proceeding of an agency~~[- other than the following:]~~ :

~~[(A) the Public Service Commission;]~~

~~[(B) the State Tax Commission;]~~

~~[(C) the School and Institutional Trust Lands Board of Trustees;]~~

~~[(D) the Division of Forestry, Fire, and State Lands, for an action reviewed by the executive director of the Department of Natural Resources;]~~

~~[(E) the Board of Oil, Gas, and Mining; or]~~

~~[(F) the state engineer;]~~

(b) appeals from the district court review of:

(i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and

(ii) a challenge to agency action under Section 63G-3-602;

(c) appeals from the juvenile courts;

(d) interlocutory appeals from any court of record in criminal cases, except those involving a charge of a first degree or capital felony;

(e) appeals from a court of record in criminal cases, except those involving a conviction or charge of a first degree felony or capital felony;

(f) appeals from orders on petitions for extraordinary writs sought by persons who are

- 164 incarcerated or serving any other criminal sentence, except for petitions constituting a
165 challenge to a conviction of or the sentence for a first degree or capital felony;
166 (g) appeals from the orders on petitions for extraordinary writs challenging the decisions
167 of the Board of Pardons and Parole except in cases involving a first degree or capital
168 felony;
169 (h) appeals from district court involving domestic relations cases, including, but not
170 limited to, divorce, annulment, property division, child custody, support, parent-time,
171 visitation, adoption, and paternity;
172 (i) appeals from the Utah Military Court; and
173 (j) cases transferred to the Court of Appeals from the Supreme Court.
174 (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an
175 injunctive order described in Section 78B-5-1002.
176 (5) [The] Notwithstanding Subsection (3), the Court of Appeals upon its own motion only
177 and by the vote of four judges of the court may certify to the Supreme Court for original
178 appellate review and determination any matter over which the Court of Appeals has
179 original appellate jurisdiction.
180 (6) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4,
181 Administrative Procedures Act, in [its review of agency adjudicative proceedings] the
182 Court of Appeals's review of an agency adjudicative proceeding.

183 Section 3. **Effective Date.**

184 This bill takes effect:

- 185 (1) except as provided in Subsection (2), February 8, 2026; or
186 (2) if approved by two-thirds of all members elected to each house:
187 (a) upon approval by the governor;
188 (b) without the governor's signature, the day following the constitutional time limit of
189 Utah Constitution, Article VII, Section 8; or
190 (c) in the case of a veto, the date of veto override.