

State Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill amends statutory provisions related to state courts.

Highlighted Provisions:

This bill:

- allows the Judicial Council to establish a division in the district court;
 - addresses resources for a division established by the Judicial Council;
 - addresses the transfer of certain actions to a division of the district court;
 - modifies the number of applicants certified by the Appellate Court Nominating Commission to the governor when there is more than one vacancy for an appellate court;
- 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-5-103 (Effective 01/01/27), as renumbered and amended by Laws of Utah 2008, Chapter 3

78A-10a-203 (Effective upon governor's approval), as enacted by Laws of Utah 2023, Chapter 250 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 250

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

Section 1. Section **78A-5-103** is amended to read:

78A-5-103 (Effective 01/01/27). District court case management -- Establishment of a division of the district court.

(1) As used in this section, "debt collection or housing action" means a civil action in the district court:

(a) for forcible entry and detainer as described in Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer; or

(b) that is eligible to be filed as a debt collection case on or after January 1, 2027.

[(1)] (2) The district court of each district shall develop systems of case management.

[(2)] (3) The case management systems developed by a district court shall:

(a) ensure judicial accountability for the just and timely disposition of cases; and

(b) provide for each judge a full judicial work load that accommodates differences in the subject matter or complexity of cases assigned to different judges.

[(3)] (4)(a) ~~[A district court]~~ The Judicial Council may establish divisions within the district court for the efficient management of different types of cases[-], including a division to manage any debt collection or housing action.

(b) Upon establishing a division under Subsection (4)(a), the Judicial Council shall allocate sufficient resources from appropriations made by the Legislature for the division, including the appointment or hiring of commissioners or judicial assistants to staff the division.

(c) The existence of divisions within the court may not:

[(a)] (i) affect the jurisdiction of the court nor the validity of court orders; or

[(b)] (ii) impede public access to the courts.

(5)(a) Notwithstanding the venue requirements in Title 78B, Chapter 3a, Venue for Civil Actions, for a debt collection or housing action, the district court shall transfer any debt collection or housing action to the division established under Subsection (4) for centralized pretrial and post judgment case processing.

(b) The division may transfer a debt collection or housing action to a venue for which a district court determines is proper under Utah Rules of Civil Procedure, Rule 42, if:
(i) the debt collection or housing action is set for trial; or
(ii) the debt collection or housing action requires an evidentiary hearing that is not an evidentiary hearing under Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.

Section 2. Section **78A-10a-203** is amended to read:

78A-10a-203 (Effective upon governor's approval). Procedures for judicial

nomination commission -- Meetings -- Certification -- Governor appointment.

(1)(a) A commission may:

- (i) meet as necessary to perform the commission's function; and
- (ii) investigate the applicants of a judicial vacancy, including seeking input from members and employees of the judiciary and the community.

(b) A commission may consult with the Judicial Council regarding the applicants for a judicial vacancy.

(c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings Act.

(2) In determining which of the applicants are the most qualified, a commission shall determine by a majority vote of the commissioners present which of the applicants best possess the ability, temperament, training, and experience that qualifies an applicant for the office.

(3)(a) Except as provided under [~~Subsection (3)(b)~~] Subsections (3)(b) and (c):

- (i) the [~~appellate court nominating commission~~] Appellate Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy;
- (ii) a district and juvenile court nominating commission shall certify to the governor a list of the five most qualified applicants per judicial vacancy; and
- (iii) the [~~business and chancery court nominating commission~~] Business and Chancery Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy.

(b) If a commission is considering applicants for more than one judicial vacancy existing at the same time and for the same court, the commission shall include one additional applicant for each additional judicial vacancy in the court in the list of applicants the commission certifies to the governor.

(c) Notwithstanding Subsection (3)(b), if the Appellate Court Nominating Commission is considering applicants for more than one judicial vacancy existing at the same time and for the same appellate court, the Appellate Court Nominating Commission shall include five additional applicants for each additional judicial vacancy in the appellate court in the list that the Appellate Court Nominating Commission certifies to the governor.

(4) A commission shall certify a list to the governor under Subsection (3) no more than 45 days after convening in accordance with Section 78A-10a-202.

(5) A commission shall, at the time that the commission certifies a list of the most qualified applicants to the governor, submit the same list to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel.

(6) A commission shall ensure that the list of applicants certified to the governor:

- (a) meet the qualifications required by law to fill the office; and
- (b) are willing to serve.

(7) In determining which of the applicants are the most qualified, a commission may not decline to certify an applicant's name to the governor because:

- (a) the commission declined to submit that applicant's name to the governor to fill a previous judicial vacancy;
- (b) a previous commission declined to submit that applicant's name to the governor; or
- (c) the commission or a previous commission submitted the applicant's name to the governor and the governor selected another individual to fill the judicial vacancy.

(8) A commission may not certify:

- (a) an applicant who is a justice or judge that was not retained by the voters for the office for which the justice or judge was defeated until after the expiration of that justice's or judge's term of office; and
- (b) an applicant who has served on a commission within six months after the day on which the commission was last convened.

(9) The governor shall fill a judicial vacancy within 30 days after the day on which the governor received the list of nominees from the commission.

(10) If the governor fails to fill a judicial vacancy within 30 days after the day on which the governor received the list of nominees from the commission, the chief justice of the Supreme Court shall, within 20 days, appoint an applicant from the list of nominees certified to the governor by the commission.

Section 3. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect:

- (a) except as provided in Subsection (1)(b), May 6, 2026; or
- (b) if approved by two-thirds of all members elected to each house:
 - (i) upon approval by the governor;
 - (ii) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
 - (iii) in the case of a veto, the date of veto override.

(2) The actions affecting Section 78A-5-103 (Effective 01/01/27) take effect on January 1,

130 2027.