

HB0366S02

inserted text shows text that was not in HB0366S02 but was inserted into HB0366S03

1

Judicial Modifications
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jordan D. Teuscher
Senate Sponsor: Brady Brammer

- ▶ defines terms;
- ▶ addresses the ballot language for a retention election;
- ▶ ~~{increases the number of Utah district court judges in the First Judicial District;}~~
- ▶ addresses the transfer of an action from the district court to the Business and Chancery Court;
- ▶ addresses the assignment of district court judges to cases a municipality files, appeals, or transfers to the district court;
- ▶ modifies the requirements for a three-judge panel in the district court;
- ▶ modifies the publication requirements for a final decision or order from the Business and Chancery Court;
- ▶ amends the tentative decision requirements for the Business and Chancery Court;
- ▶ contingent on statutory provisions being held invalid or enjoined:

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- 20 • establishes the Constitutional Court (court);
- 21 • addresses the postjudgment interest rate for judgments of the court;
- 22 • addresses a retention election for a judge of the court;
- 23 • adds a judge of the court to the definition of "public official" for Title 63G, Chapter 23,
Property Donated to State by Public Official;
- 25 • addresses salaries for judges of the court;
- 26 • provides that the court is not geographically divided into districts;
- 27 • provides that the court consists of three judges;
- 28 • amends the membership of the Judicial Council to include a member from the court;
- 29 • amends provisions regarding the administration of the courts to address the creation of the
court;
- 31 • addresses a judicial hiring freeze for judges of the court;
- 32 • amends the jurisdiction of the district court to allow a district court judge or Court of
Appeals judge to preside over an action of the court for purposes of disqualification and recusal;
- 35 • provides that the court is a trial court with statewide jurisdiction;
- 36 • addresses the organization and status of the court;
- 37 • addresses the jurisdiction of the court;
- 38 • addresses the transfer of an action to the court;
- 39 • addresses the administration, staff, and management of the court;
- 40 • allows a district court judge or Court of Appeals judge to be appointed to the court without
vacating the judge's appointment to the district court or Court of Appeals;
- 42 • addresses the location and facilities of the court;
- 43 • addresses the selection process for judges of the court, including the creation of the
Constitutional Court Nominating Commission; and
- 45 • makes changes to provisions regarding judgments, mileage, and lis pendens to address the
creation of the court;
- 47 ▶ clarifies the right to appeal for an injunction of a state law; and
- 48 ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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51 This bill provides a special effective date.

52 This bill provides revisor instructions.

53 **Utah Code Sections Affected:**

54 **AMENDS:**

55 **15-1-4** , as last amended by Laws of Utah 2023, Chapter 394

56 **20A-12-201** , as last amended by Laws of Utah 2025, Chapter 39

57 **63G-23-102** , as last amended by Laws of Utah 2024, Chapter 158

58 **67-8-2** , as last amended by Laws of Utah 2023, Chapter 394

59 **78A-1-101** , as last amended by Laws of Utah 2023, Chapter 394

60 **78A-1-102** , as last amended by Laws of Utah 2023, Chapter 394

62 ~~**{78A-1-103 , as last amended by Laws of Utah 2024, Chapter 148}**~~

61 **78A-2-104** , as last amended by Laws of Utah 2023, Chapter 394

62 **78A-2-107** , as last amended by Laws of Utah 2023, Chapter 394

63 **78A-2-108** , as last amended by Laws of Utah 2023, Chapter 394

64 **78A-2-110** , as last amended by Laws of Utah 2023, Chapter 394

65 **78A-2-113** , as last amended by Laws of Utah 2023, Chapter 394

66 **78A-2-301** , as last amended by Laws of Utah 2025, Chapter 291

67 **78A-4-102** , as last amended by Laws of Utah 2022, Chapter 276

68 **78A-4-103** , as last amended by Laws of Utah 2025, Second Special Session, Chapter 3

69 **78A-5-102** , as last amended by Laws of Utah 2025, Chapter 426

70 **78A-5-103** , as renumbered and amended by Laws of Utah 2008, Chapter 3

71 **78A-5-105** , as renumbered and amended by Laws of Utah 2008, Chapter 3

72 **78A-5a-301** , as enacted by Laws of Utah 2023, Chapter 394

73 **78A-5a-302** , as enacted by Laws of Utah 2023, Chapter 394

74 **78A-10a-202** , as enacted by Laws of Utah 2023, Chapter 250

75 **78A-10a-203** , as enacted by Laws of Utah 2023, Chapter 250 and last amended by Coordination
Clause, Laws of Utah 2023, Chapter 250

77 **78A-11-102** , as last amended by Laws of Utah 2023, Chapter 394

78 **78B-3a-102** , as enacted by Laws of Utah 2023, Chapter 401

79 **78B-5-202** , as last amended by Laws of Utah 2025, First Special Session, Chapter 17

80 **78B-5-206** , as last amended by Laws of Utah 2023, Chapter 401

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81 **78B-5-1002** , as enacted by Laws of Utah 2025, Chapter 456
82 **78B-6-1303** , as last amended by Laws of Utah 2023, Chapter 401

83 ENACTS:

84 **78A-1-103.7** , Utah Code Annotated 1953
85 **78A-5b-101** , Utah Code Annotated 1953
86 **78A-5b-102** , Utah Code Annotated 1953
87 **78A-5b-103** , Utah Code Annotated 1953
88 **78A-5b-104** , Utah Code Annotated 1953
89 **78A-5b-105** , Utah Code Annotated 1953
90 **78A-5b-201** , Utah Code Annotated 1953
91 **78A-5b-202** , Utah Code Annotated 1953
92 **78A-5b-203** , Utah Code Annotated 1953
93 **78A-5b-204** , Utah Code Annotated 1953
94 **78A-5b-205** , Utah Code Annotated 1953
95 **78A-5b-206** , Utah Code Annotated 1953
96 **78A-10a-601** , Utah Code Annotated 1953
97 **78A-10a-602** , Utah Code Annotated 1953
98 **78A-10a-603** , Utah Code Annotated 1953
99 **78A-10a-604** , Utah Code Annotated 1953
100 **78A-10a-605** , Utah Code Annotated 1953
101 **78A-10a-606** , Utah Code Annotated 1953
102 **78A-10a-607** , Utah Code Annotated 1953

103 REPEALS AND REENACTS:

104 **78A-5-102.7** , {[Utah Code Annotated 1953](#)} [as enacted in 2026 H.B. 392](#)
106 **78A-5-102.7** , as enacted in 2026 H.B. 392

107

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

109 Section 1. Section **15-1-4** is amended to read:

110 **15-1-4. Interest on judgments.**

113 (1) As used in this section[,"federal"] :

114 (a) "Court" means:

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- 115 (i) the district court;
116 (ii) the justice court;
117 (iii) the Business and Chancery Court; or
118 (iv) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect as described in
Section 78A-5b-102.
- 120 (b) "Federal postjudgment interest rate" means the interest rate established for the federal court system
under 28 U.S.C. Sec. 1961, as amended.
- 122 (2)
- (a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful contract shall conform to
the contract and shall bear the interest agreed upon by the parties, which shall be specified in the
judgment.
- 125 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23, Check Cashing and
Deferred Deposit Lending Registration Act, shall bear interest at the rate imposed under Subsection
(3)(a) on an amount not exceeding the sum of:
- 128 (i) the total of the principal balance of the deferred deposit loan;
129 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period not exceeding 10
weeks as provided in Subsection 7-23-401(4);
- 131 (iii) costs;
132 (iv) attorney fees; and
133 (v) other amounts allowed by law and ordered by the court.
- 134 (3)
- (a) Except as otherwise provided by law, or as governed by Subsection (4), all other final civil and
criminal judgments of [~~the district court, the justice court, and the Business and Chancery Court~~] a
court shall bear interest at the federal postjudgment interest rate as of January 1 of each year, plus
2%.
- 138 (b) The [~~postjudgment interest rate~~] interest rate described in Subsection (3)(a) that is in effect at the
time of the judgment shall remain the interest rate for the duration of the judgment.
- 141 (c) The interest on criminal judgments shall be calculated on the total amount of the judgment.
- 143 (d) Interest paid on state revenue shall be deposited in accordance with Section 63A-3-505.
- 145 (e) Interest paid on revenue to a county or municipality shall be paid [~~to~~] into the general fund of the
county or municipality.

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(4) A judgment under \$10,000 in an action regarding the purchase of goods and services shall bear interest from the date on which the [district court, the justice court, or the Business and Chancery Court] court enters the judgment at 10% plus the federal postjudgment interest rate in effect on January 1 of the year in which the judgment is entered.

Section 2. Section **20A-12-201** is amended to read:

20A-12-201. Judicial appointees -- Retention elections.

(1)

(a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2)

(a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(ii) pay a filing fee of \$50.

(b)

(i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

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(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3)

(a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, ~~[and] judges of the Business and Chancery Court, and judges of the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,~~ declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election:

(i) in the nonpartisan section of the ballot; and

(ii) in accordance with Section 20A-6-109.

(4)

(a) At the general election, the ballots shall contain:

(i) at the beginning of the judicial retention section of the ballot, the following statement:

"Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and

(ii) for each justice or judge standing for a retention election in the county, the following question:
"Shall [insert name of justice or judge] be retained in the office of [insert name of office and the applicable court or jurisdiction]? Yes () or No ()."

[(ii) as to each justice or judge of any court to be voted on in the county, the following question:

"Shall _____ (name of justice or judge) be retained in the office of _____? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")

Yes ()

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- 212 No (.)"]
- 213 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot
question for the judge shall include the name of that court.
- 215 (5)
- (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the
term of office provided by law.
- 217 (b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not
retained, and a vacancy exists in the office on the first Monday in January after the regular general
election.
- 220 (6) A justice or judge not retained is ineligible for appointment to the office for which the justice or
judge was defeated until after the expiration of that term of office.
- 222 (7)
- (a) If a justice court judge is standing for retention for one or more judicial offices in a county in which
the judge is a county justice court judge or a municipal justice court judge in a town or municipality
of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the
election officer shall place the judge's name on the county ballot only once for all judicial offices for
which the judge seeks to be retained.
- 228 (b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of
the first, second, or third class, as described in Section 10-2-301, the election officer shall place the
judge's name only on the municipal ballot for the voters of the municipality that the judge serves.
- 230 Section 3. Section **63G-23-102** is amended to read:
- 231 **63G-23-102. Definitions.**
- As used in this chapter:
- 235 (1) "Public official" means, except as provided in Subsection (3), the same as that term is defined in
Section 36-11-102.
- 237 (2) "Public official" includes a judge or justice of:
- 238 (a) the Utah Supreme Court;
- 239 (b) the Utah Court of Appeals;
- 240 (c) a district court;
- 241 (d) a juvenile court; [or]
- 242 (e) the Business and Chancery Court[:]; or

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- 243 (f) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect as described in
245 Section 78A-5b-102.
- 245 (3) "Public official" does not include a local official or an education official as defined in Section
246 36-11-102.
- 245 Section 4. Section **67-8-2** is amended to read:
- 246 **67-8-2. Salaries of judges established annually in appropriations act -- Bases of salaries --**
Additional compensation.
- 250 [~~(1) The salaries of judges of courts of record, as described in Section 78A-1-101, shall be set annually~~
252 ~~by the Legislature in an appropriations act.]~~
- 252 [~~(2) Judicial salaries shall be based on the following percentages of the salary of a district court judge:]~~
- 254 [~~(a) juvenile court judges: 100%;]~~
- 255 [~~(b) Business and Chancery Court judges: —100%;]~~
- 256 [~~(c) Court of Appeals judges: 105%; and]~~
- 257 [~~(d) justices of the Supreme Court: 110%.]~~
- 258 (1) The Legislature shall set annually, in an appropriations act, the salaries of judges of a court of record
described in Section 78A-1-101.
- 260 (2) Except as provided in Subsection (3), a judicial salary for a judge of a court of record shall be based
on the following percentage of the salary for a district court judge:
- 262 (a) 100% for a juvenile court judge;
- 263 (b) 100% for a Business and Chancery Court judge;
- 264 (c) 105% for a Constitutional Court judge if Title 78A, Chapter 5b, Constitutional Court, takes effect as
described in Section 78A-5b-102;
- 266 (d) 105% for a Court of Appeals judge; and
- 267 (e) 110% for a Supreme Court justice.
- 268 (3)
- (a) If a district court judge is a Constitutional Court judge, the judge's salary for the Constitutional
Court is 5% of the salary for a district court judge during the time period in which the judge remains
a district court judge.
- 271 (b) If a Court of Appeals judge is a Constitutional Court judge, the judge's salary for the Constitutional
Court is 5% of the salary for a district court judge during the time period in which the judge remains
a Court of Appeals judge.

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274 (c) Except as provided in this Subsection (3), a judge of a court of record may not collect a salary for
275 more than one court of record.

276 [~~(3)~~] (4)

(a) A salary described in Subsection (2) does not include additional compensation provided for a
presiding judge or associate presiding judge under:

278 (i) Section 78A-3-101;

279 (ii) Section 78A-4-102;

280 (iii) Section 78A-5-106;

281 (iv) Section 78A-5a-202;

282 (v) Section 78A-5b-203; or

283 [~~(v)~~] (vi) Section 78A-6-203.

284 (b) Compensation described in Subsection [~~(3)~~](a) (4)(a) does not constitute a salary for purposes of
Utah Constitution, Article VIII, Section 14.

284 Section 5. Section **78A-1-101** is amended to read:

285 **78A-1-101. Courts of this state -- Courts of record.**

288 (1) The following are the courts of this state:

289 (a) the Supreme Court;

290 (b) the Court of Appeals;

291 (c) the Business and Chancery Court;

292 (d) the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described in Section
78A-5b-102;

294 [~~(d)~~] (e) the district courts;

295 [~~(e)~~] (f) the juvenile courts; and

296 [~~(f)~~] (g) the justice courts.

297 (2) All courts are courts of record, except the justice courts, which are courts not of record.

296 Section 6. Section **78A-1-102** is amended to read:

297 **78A-1-102. Trial courts of record -- Geographical divisions.**

300 (1) The district and juvenile courts are divided into eight geographical divisions:

301 (a) First Judicial District, which includes Box Elder, Cache, and Rich Counties;

302 (b) Second Judicial District, which includes Weber, Davis, and Morgan Counties;

303 (c) Third Judicial District, which includes Salt Lake, Summit, and Tooele Counties;

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- (d) Fourth Judicial District, which includes Utah, Wasatch, Juab, and Millard Counties;
- (e) Fifth Judicial District, which includes Beaver, Iron, and Washington Counties;
- (f) Sixth Judicial District, which includes Garfield, Kane, Piute, Sanpete, Sevier, and Wayne Counties;
- (g) Seventh Judicial District, which includes Carbon, Emery, Grand, and San Juan Counties; and
- (h) Eighth Judicial District, which includes Daggett, Duchesne, and Uintah Counties.

(2) The Business and Chancery Court is not divided into geographical divisions.

(3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, the Constitutional Court is not divided into geographical divisions.

~~{Section 7. Section 78A-1-103 is amended to read: }~~

78A-1-103. Number of district court judges.

The number of district court judges is:

- (1) ~~[four]~~ five district court judges in the First Judicial District;
- (2) 14 district court judges in the Second Judicial District;
- (3) 32 district court judges in the Third Judicial District;
- (4) 13 district court judges in the Fourth Judicial District;
- (5) seven district court judges in the Fifth Judicial District;
- (6) two district court judges in the Sixth Judicial District;
- (7) three district court judges in the Seventh Judicial District; and
- (8) three district court judges in the Eighth Judicial District.

Section 7. Section 7 is enacted to read:

78A-1-103.7. Number of Constitutional Court judges.

If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, the Constitutional Court shall consist of three judges.

Section 8. Section 78A-2-104 is amended to read:

78A-2-104. Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.

- (1) The Judicial Council is composed of:
 - (a) the chief justice of the Supreme Court;
 - (b) one member elected by the justices of the Supreme Court;
 - (c) one member elected by the judges of the Court of Appeals;
 - (d) one member elected by the judges of the Business and Chancery Court;

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- 337 (e) one member elected by the judges of the Constitutional Court if Chapter 5b, Constitutional Court,
338 takes effect as described in Section 78A-5b-102;
- 339 [(e)] (f) six members elected by the judges of the district courts;
- 340 [(f)] (g) three members elected by the judges of the juvenile courts;
- 341 [(g)] (h) three members elected by the justice court judges; and
- 342 [(h)] (i) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is
an active member of the Utah State Bar in good standing at the time of election by the Board of
Commissioners.
- 345 (2) The Judicial Council shall have a seal.
- 346 (3)
- (a) The chief justice of the Supreme Court shall act as presiding officer of the Judicial Council and chief
administrative officer for the courts.
- 348 (b) The chief justice shall vote only in the case of a tie.
- 349 (4)
- (a) All members of the Judicial Council shall serve for three-year terms.
- 350 (b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete a term of office,
the appropriate constituent group shall elect a member to complete the term of office.
- 353 (c) In courts having more than one member, the members shall be elected to staggered terms.
- 355 (d) The individual elected by the Board of Commissioners under Subsection [(1)(h)] (1)(i) may
complete a three-year term of office on the Judicial Council even though the individual ceases to be
a member or ex officio member of the Board of Commissioners.
- 359 (e) The individual elected by the Board of Commissioners under Subsection [(1)(h)] (1)(i) shall be an
active member of the Utah State Bar in good standing for the entire term of the Judicial Council.
- 362 (f) Elections are held under rules made by the Judicial Council.
- 363 (5)
- (a) The Judicial Council is responsible for the development of uniform administrative policy for the
courts throughout the state.
- 365 (b) The presiding officer of the Judicial Council is responsible for the implementation of the policies
developed by the Judicial Council and for the general management of the courts, with the aid of the
state court administrator.
- 368 (c) The Judicial Council has authority and responsibility to:

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- 369 (i) establish and assure compliance with policies for the operation of the courts, including uniform rules
and forms; and
- 371 (ii) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an
annual report of the operations of the courts, which shall include financial and statistical data and
may include suggestions and recommendations for legislation.
- 375 (6) The Judicial Council shall establish standards for the operation of the courts of the state, including
facilities, court security, support services, and staff levels for judicial and support personnel.
- 378 (7) The Judicial Council shall by rule:
- 379 (a) establish the time and manner for destroying court records, including computer records; and
- 381 (b) establish retention periods for court records.
- 382 (8)
- (a) Consistent with the requirements of judicial office and security policies, the Judicial Council shall
establish procedures to govern the assignment of state vehicles to public officers of the judicial
branch.
- 385 (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may be assigned
for unlimited use, within the state only.
- 387 (9)
- (a) The Judicial Council shall:
- 388 (i) advise judicial officers and employees concerning ethical issues; and
- 389 (ii) establish procedures for issuing informal and formal advisory opinions on ethical issues.
- 391 (b) Compliance with an informal opinion is evidence of good faith compliance with the Code of
Judicial Conduct.
- 393 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- 394 (10)
- (a) The Judicial Council shall establish written procedures authorizing the presiding officer of the
Judicial Council to appoint judges of courts of record by special or general assignment to serve
temporarily in another level of court in a specific court or generally within that level.
- 398 (b) The appointment under Subsection (10)(a) shall be:
- 399 (i) for a specific period of time; and
- 400 (ii) reported to the Judicial Council.
- 401

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(c) The Judicial Council shall develop the procedures described in this Subsection (10) in accordance with Subsection 78A-2-107(2) regarding the temporary appointment of judges.

(11)

(a) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record.

(b) There shall be at least one court clerk's office open during regular court hours in each county.

(c) Any trial court of record may hold court in any municipality designated as a location of a court of record.

(12) The Judicial Council shall by rule determine whether the administration of a court is the obligation of the Administrative Office of the Courts or whether the Administrative Office of the Courts should contract with local government for court support services.

(13) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.

(14)

(a) The Judicial Council shall:

(i) establish the Office of Guardian Ad Litem in accordance with [~~Title 78A, Chapter 2, Part 8, Guardian Ad Litem~~] Chapter 2, Part 8, Guardian Ad Litem; and

(ii) establish and supervise a Guardian Ad Litem Oversight Committee.

(b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (14)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.

(15) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of Health and Human Services, the part of the state case registry that contains records of each support order established or modified in the state on or after October 1, 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

Section 9. Section **78A-2-107** is amended to read:

78A-2-107. Court administrator -- Powers, duties, and responsibilities.

Under the general supervision of the presiding officer of the Judicial Council, and within the policies established by the [the-]Judicial Council:

(1) the state court administrator shall:

(a) organize and administer all of the nonjudicial activities of the courts;

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- 434 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- 435 (c) implement the standards, policies, and rules established by the Judicial Council;
- 436 (d) formulate and administer a system of personnel administration, including in-service training
programs;
- 438 (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for
the operation of the courts of record;
- 440 (f) assist justice courts in budgetary, fiscal, and accounting procedures;
- 441 (g) conduct studies of the business of the courts, including the preparation of recommendations and
reports relating to the studies;
- 443 (h) develop uniform procedures for the management of court business, including the management of
court calendars;
- 445 (i) maintain liaison with the governmental and other public and private groups having an interest in the
administration of the courts;
- 447 (j) establish uniform policy concerning vacations and sick leave for judges and nonjudicial officers of
the courts;
- 449 (k) establish uniform hours for court sessions throughout the state;
- 450 (l) when necessary for administrative reasons, change the county for trial of any case if no party to the
litigation files timely objections to this change;
- 452 (m)
 - (i) organize and administer a program of continuing education for judges and support staff, including
training for justice court judges; and
 - 454 (ii) ensure that any training or continuing education described in Subsection (1)(m)(i) complies with
Title 63G, Chapter 22, State Training and Certification Requirements;
- 457 (n) provide for an annual meeting for each level of the courts of record and the annual judicial
conference; and
- 459 (o) perform other duties as assigned by the presiding officer of the Judicial Council; and
- 460 (2) with the consent of the presiding officer of the Judicial Council, the state court administrator may:
 - 462 (a) call and appoint a justice or judge of a court of record to serve temporarily as a judge of the Court of
Appeals, the Business and Chancery Court, a district court, or a juvenile court; and
 - 465 (b) set reasonable compensation for the service of a justice or judge under Subsection (2)(a).
- 454 Section 10. Section **78A-2-108** is amended to read:

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78A-2-108. Assistants for state court administrator -- Appointment of trial court executives.

- (1) The state court administrator, with the approval of the presiding officer of the Judicial Council, is responsible for the establishment of positions and salaries of assistants as necessary to enable the state court administrator to perform the powers and duties vested in the state court administrator by this chapter, including the positions of appellate court administrator, business and chancery court administrator, district court administrator, juvenile court administrator, and justice court administrator.
- (2) The state court administrator shall appoint an appellate court administrator, a business and chancery court administrator, a district court administrator, a juvenile court administrator, and a justice court administrator with the concurrence of the respective boards as established by the Judicial Council.
- (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, the state court administrator shall, with the approval of the presiding officer of the Judicial Council, establish a salary and position for a constitutional court administrator.
- ~~[(3)]~~ (4)
- (a) The district court administrator, with the concurrence of the presiding judge of a district or the district court judge in single judge districts, may appoint a trial court executive in each district.
- (b) The trial court executive may appoint, subject to budget limitations, necessary support personnel including clerks, research clerks, secretaries, and other persons required to carry out the work of the court.
- (c) The trial court executive shall supervise the work of all nonjudicial court staff and serve as administrative officer of the district.
- ~~[(4)]~~ (5) Administrators and assistants appointed under this section are known collectively as the Administrative Office of the Courts.

Section 11. Section **78A-2-110** is amended to read:

78A-2-110. Databases for judicial boards.

- (1) As used in this section, "judicial board" means any judicial branch board, commission, council, committee, working group, task force, study group, advisory group, or other body with a defined limited membership that is created to operate for more than six months by:
- (a) the constitution;
- (b) statute;
- (c) judicial order;

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- 502 (d) any justice or judge;
503 (e) the Judicial Council;
504 (f) the state court administrator[~~;~~] ;
505 (g) a district court administrator[~~;~~] ;
506 (h) a trial court executive[~~;~~~~or~~] ;
507 (i) a business and chancery court administrator;
508 (j) a constitutional court administrator if Chapter 5b, Constitutional Court, takes effect as described in
Section 78A-5b-102; or
510 [(g)] (k) any clerk or administrator in the judicial branch of state government.
- 511 (2) The Judicial Council shall designate an individual from the Judicial Council's staff to maintain a
computerized database containing information about all judicial boards.
- 513 (3) The individual designated to maintain the database shall:
- 514 (a) ensure that the database contains:
- 515 (i) the name of the judicial board;
- 516 (ii) the statutory or constitutional authority for the creation of the judicial board;
- 517 (iii) the court or other judicial entity under whose jurisdiction the judicial board operates or with which
the judicial board is affiliated, if any;
- 519 (iv) the name, address, gender, telephone number, and county of each individual currently serving on
the judicial board, along with a notation of all vacant or unfilled positions;
- 522 (v) the title of the position held by the individual who appointed each member of the judicial board;
- 524 (vi) the length of the term to which each member of the judicial board was appointed and the month and
year that each judicial board member's term expires;
- 526 (vii) the organization, interest group, profession, local government entity, or geographic area that the
member of the judicial board represents, if any;
- 528 (viii) whether or not the judicial board allocates state or federal funds and the amount of those funds
allocated during the last fiscal year;
- 530 (ix) whether the judicial board is a policy board or an advisory board;
- 531 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 532 (xi) any compensation and expense reimbursement that members of the executive board are authorized
to receive;
- 534 (b) make the information contained in the database available to the public upon request;

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- 535 (c) cooperate with other entities of state government to publish the data or useful summaries of the data;
537 (d) prepare, publish, and distribute an annual report by April 1 of each year that includes, as of March 1
of that year:
- 539 (i) the total number of judicial boards;
540 (ii) the name of each of those judicial boards and the court, council, administrator, executive, or clerk
under whose jurisdiction the executive board operates or with which the judicial board is affiliated,
if any;
- 543 (iii) for each court, council, administrator, executive, or clerk, the total number of judicial boards under
the jurisdiction of or affiliated with that court, council, administrator, executive, or clerk;
- 546 (iv) the total number of members for each of those judicial boards;
- 547 (v) whether each board is a policymaking board or an advisory board and the total number of policy
boards and the total number of advisory boards; and
- 549 (vi) the compensation, if any, paid to the members of each of those judicial boards; and
- 551 (e) distribute copies of the report described in Subsection (3)(d) to:
- 552 (i) the chief justice of the Utah Supreme Court;
- 553 (ii) the state court administrator;
- 554 (iii) the governor;
- 555 (iv) the president of the Utah Senate;
- 556 (v) the speaker of the Utah House;
- 557 (vi) the Office of Legislative Research and General Counsel; and
- 558 (vii) any other persons who request a copy of the annual report.
- 546 Section 12. Section **78A-2-113** is amended to read:
- 547 **78A-2-113. Judicial hiring freeze authorized.**
- 561 (1) As used in this section, "General Fund budget deficit" means a situation where General Fund
appropriations made by the Legislature for a fiscal year exceed the estimated revenues adopted by
the Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.
- 565 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of the House
of Representatives, and chief justice of the Supreme Court, may, by unanimous vote, implement a
judicial hiring freeze for judicial vacancies for:
- 568 (a) a juvenile court district with three or more juvenile court judges;
- 569 (b) a district court district with three or more district court judges;

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- 570 (c) all Business and Chancery Court judges;
- 571 (d) all Constitutional Court judges if Chapter 5b, Constitutional Court, takes effect as described in
Section 78A-5b-102;
- 573 [~~(d)~~] (e) all appellate court judges; or
- 574 [~~(e)~~] (f) any combination of Subsections (2)(a) through [~~(d)~~] (e).
- 575 (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker of the House,
and chief justice of the Supreme Court shall:
- 577 (a) establish the length of that hiring freeze; and
- 578 (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of the annual
general session of the Legislature.
- 567 Section 13. Section **78A-2-301** is amended to read:
- 568 **78A-2-301. Civil fees of the courts of record -- Courts complex design.**
- 582 (1)
- (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court of record not
governed by another subsection is \$375.
- 584 (b) The fee for filing a complaint or petition is:
- 585 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney
fees is \$2,000 or less;
- 587 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs, interest, and
attorney fees is greater than \$2,000 and less than \$10,000;
- 589 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
- 590 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an action described in
Title 81, Chapter 4, Dissolution of Marriage;
- 592 (v) \$35 for a petition for temporary separation described in Section 81-4-104;
- 593 (vi) \$125 if the petition is for removal from the Sex, Kidnap, and Child Abuse Offender Registry under
Section 53-29-204, 53-29-205, or 53-29-206; and
- 595 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child
of the petitioner.
- 597 (c) The fee for filing a small claims affidavit is:
- 598 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs, interest, and attorney
fees is \$2,000 or less;

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- 600 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs, interest, and
attorney fees is greater than \$2,000, but less than \$7,500; and
- 602 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs, interest, and
attorney fees is \$7,500 or more.
- 604 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party complaint, or
other claim for relief against an existing or joined party other than the original complaint or petition
is:
- 607 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 609 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000
and less than \$10,000;
- 611 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is \$10,000 or more,
or the party seeks relief other than monetary damages; and
- 613 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4, Dissolution of
Marriage.
- 615 (e) The fee for filing a small claims counter affidavit is:
- 616 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000 or less;
- 618 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is greater than \$2,000,
but less than \$7,500; and
- 620 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is \$7,500 or more.
- 622 (f) The fee for depositing funds under Section 57-1-29 when not associated with an action already
before the court is determined under Subsection (1)(b) based on the amount deposited.
- 625 (g) The fee for filing a petition is:
- 626 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims department; and
- 628 (ii) \$80 for an appeal of a municipal administrative determination in accordance with Section
10-3-703.7.
- 630 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or petition for writ
of certiorari is \$240.
- 632 (i) The fee for filing a petition for expungement is \$150.
- 633 (j)
- (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be allocated to
and between the Judges' Contributory Retirement Trust Fund and the Judges' Noncontributory

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Retirement Trust Fund, as provided in Title 49, Chapter 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges' Noncontributory Retirement Act.

- 638 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state
treasurer to be deposited into the restricted account, Children's Legal Defense Account, as provided
in Section 51-9-408.
- 641 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)(s) shall be
allocated to and deposited with the Dispute Resolution Account as provided in Section 78B-6-209.
- 644 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv), (1)(d)(iii) and (iv),
(1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state treasurer to be deposited into the restricted
account, Court Security Account, as provided in Section 78A-2-602.
- 648 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii) and (1)(g)(i)
shall be allocated by the state treasurer to be deposited into the restricted account, Court Security
Account, as provided in Section 78A-2-602.
- 651 (k) The fee for filing a judgment, order, or decree of a court of another state or of the United States is
\$35.
- 653 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is 50% of the fee
for filing an original action seeking the same relief.
- 655 (m) The fee for filing probate or child custody documents from another state is \$35.
- 656 (n)
- (i) The fee for filing an abstract or transcript of judgment, order, or decree of the State Tax Commission
is \$30.
- 658 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment,
order, or decree of an administrative agency, commission, board, council, or hearing officer of this
state or of its political subdivisions other than the State Tax Commission, is \$50.
- 662 (o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.
- 664 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title
78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.
- 667 (q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a
protective order or stalking injunction is \$100.
- 669 (r) The fee for filing any accounting required by law is:
- 670 (i) \$15 for an estate valued at \$50,000 or less;

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- 671 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
672 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
673 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
674 (v) \$175 for an estate valued at more than \$168,000.
675 (s) The fee for filing a demand for a civil jury is \$250.
676 (t) The fee for filing a notice of deposition in this state concerning an action pending in another state
under Utah Rules of Civil Procedure, Rule 30 is \$35.
678 (u) The fee for filing documents that require judicial approval but are not part of an action before the
court is \$35.
680 (v) The fee for a petition to open a sealed record is \$35.
681 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee
for a complaint or petition.
683 (x)
(i) The fee for a petition for authorization for a minor to marry required by Section 81-2-304 is \$5.
685 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7, Emancipation, is
\$50.
687 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
688 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
689 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per page.
691 (bb) The fee for filing a notice to convene a three-judge panel described in Section 78A-5-102.7 is
\$1,500.
693 ~~[(bb)]~~ (cc) The Judicial Council shall, by rule, establish a schedule of fees for copies of documents and
forms and for the search and retrieval of records under Title 63G, Chapter 2, Government Records
Access and Management Act.~~[-] Fees under Subsection [(1)(bb) and (cc)]~~ (1)(cc) and (dd) shall be
credited to the court as a reimbursement of expenditures.
698 ~~[(ee)]~~ (dd) The Judicial Council may, by rule, establish a reasonable fee to allow members of the public
to conduct a limited amount of searches on the Xchange database without having to pay a monthly
subscription fee.
701 ~~[(dd)]~~ (ee) There is no fee for services or the filing of documents not listed in this section or otherwise
provided by law.
703

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~~[(ee)]~~ (ff) Except as provided in this section, all fees collected under this section are paid to the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts the pleading for filing or performs the requested service.

706 ~~[(ff)]~~ (gg) The filing fees under this section may not be charged to the state, the state's agencies, or political subdivisions filing or defending any action. In judgments awarded in favor of the state, its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order the filing fees and collection costs to be paid by the judgment debtor. The sums collected under this Subsection ~~[(1)(ff)]~~ (1)(gg) shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or other penalty and costs permitted by law.

713 (2)
(a)

(i) From March 17, 1994, until June 30, 1998, the state court administrator shall transfer all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities Construction and Management Capital Projects Fund.

717 (ii)

(A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities Construction and Management shall use up to \$3,750,000 of the revenue deposited into the Capital Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the development of a courts complex in Salt Lake City.

722 (B) If the Legislature approves funding for construction of a courts complex in Salt Lake City in the 1995 Annual General Session, the Division of Facilities Construction and Management shall use the revenue deposited into the Capital Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in Salt Lake City.

727 (C) After the courts complex is completed and all bills connected with its construction have been paid, the Division of Facilities Construction and Management shall use any money remaining in the Capital Projects Fund under this Subsection (2)(a)(ii) to fund the Vernal District Court building.

731 (iii) The Division of Facilities Construction and Management may enter into agreements and make expenditures related to this project before the receipt of revenues provided for under this Subsection (2)(a)(iii).

734 (iv) The Division of Facilities Construction and Management shall:

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- 735 (A) make those expenditures from unexpended and unencumbered building funds already appropriated
to the Capital Projects Fund; and
- 737 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under this Subsection
(2).
- 739 (b) After June 30, 1998, the state court administrator shall ensure that all revenues representing the
difference between the fees in effect after May 2, 1994, and the fees in effect before February 1,
1994, are transferred to the Division of Finance for deposit in the restricted account.
- 743 (c) The Division of Finance shall deposit all revenues received from the state court administrator into
the restricted account created by this section.
- 745 (d)
- (i) From May 1, 1995, until June 30, 1998, the state court administrator shall transfer \$7 of the amount
of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the
Division of Facilities Construction and Management Capital Projects Fund. The division of money
pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture paid.
- 751 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer \$7 of the amount
of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to
the Division of Finance for deposit in the restricted account created by this section. The division of
money pursuant to Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
paid.
- 757 (3)
- (a) There is created within the General Fund a restricted account known as the State Courts Complex
Account.
- 759 (b) The Legislature may appropriate money from the restricted account to the state court administrator
for the following purposes only:
- 761 (i) to repay costs associated with the construction of the court complex that were funded from sources
other than revenues provided for under this Subsection (3)(b)(i); and
- 764 (ii) to cover operations and maintenance costs on the court complex.
- 752 Section 14. Section **78A-4-102** is amended to read:
- 753 **78A-4-102. Number of judges -- Terms -- Presiding judge -- Associate presiding judge --**
Filing fees.
- 768 (1)

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(a) The Court of Appeals consists of seven judges.

(b) The term of appointment to office as a judge of the Court of Appeals is until the first general election held more than three years after the effective date of the appointment.

(c) After the first term of appointment under Subsection (1)(b), the term of office of a judge of the Court of Appeals is six years and commences on the first Monday in January, next following the date of election.

(d) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

(e) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a judge of the Court of Appeals is appointed to the Constitutional Court and does not vacate the judge's appointment to the Court of Appeals as described in Section 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's term of office described in this Subsection (1) for the judge's appointment to the Court of Appeals.

(2)

(a) The Court of Appeals shall sit and render judgment in panels of three judges.

(b) Assignment to panels shall be by random rotation of all judges of the Court of Appeals.

(c) The Court of Appeals by rule shall provide for the selection of a chair for each panel.

(d) The Court of Appeals may not sit en banc.

(3)

(a) The judges of the Court of Appeals shall elect a presiding judge from among the members of the court by majority vote of all judges.

(b) The term of office of the presiding judge is two years and until a successor is elected.

(c) A presiding judge of the Court of Appeals may serve in that office no more than two successive terms.

(d) The Court of Appeals may by rule provide for an acting presiding judge to serve in the absence or incapacity of the presiding judge.

(e) The presiding judge of the Court of Appeals shall receive \$2,000 per annum of additional compensation for the period served as presiding judge.

(4)

(a) The presiding judge may be removed from the office of presiding judge by majority vote of all judges of the Court of Appeals.

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- 798 (b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:
799 (i) administer the rotation and scheduling of panels;
800 (ii) act as liaison with the Supreme Court;
801 (iii) call and preside over the meetings of the Court of Appeals; and
802 (iv) carry out duties prescribed by the Supreme Court and the Judicial Council.
803 (5)
(a) The judges of the Court of Appeals shall elect an associate presiding judge from among the
members of the court by majority vote of all judges.
805 (b) The associate presiding judge of the Court of Appeals shall receive \$1,000 per annum as additional
compensation for the period served as associate presiding judge.
807 (6) Filing fees for the Court of Appeals are the same as for the Supreme Court.
795 Section 15. Section **78A-4-103** is amended to read:
796 **78A-4-103. Jurisdiction of Court of Appeals.**
810 (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.
813 (2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and
process necessary:
815 (a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or
816 (b) in aid of the jurisdiction of the Court of Appeals.
817 (3) The Court of Appeals has original appellate jurisdiction, including original appellate jurisdiction of
an interlocutory appeal, over:
819 (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:
821 (A) a formal adjudicative proceeding of a state agency;
822 (B) a special adjudicative proceeding, as described in Section 19-1-301.5; or
823 (C) a hearing before a local school board or the State Board of Education as described in Section
53G-11-515; or
825 (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;
827 (b) appeals from the district court review of:

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- 828 (i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and
830 (ii) a challenge to agency action under Section 63G-3-602;
831 (c) appeals from the juvenile courts;
832 (d) interlocutory appeals from any court of record in criminal cases, except those involving a charge of
a first degree or capital felony;
834 (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;
836 (f) appeals from orders on petitions for extraordinary writs sought by persons who are incarcerated or
serving any other criminal sentence, except for petitions constituting a challenge to a conviction of
or the sentence for a first degree or capital felony;
839 (g) appeals from the orders on petitions for extraordinary writs challenging the decisions of the Board
of Pardons and Parole except in cases involving a first degree or capital felony;
842 (h) appeals from district court involving domestic relations cases, including, but not limited to, divorce,
annulment, property division, child custody, support, parent-time, visitation, adoption, and paternity;
845 (i) appeals from the Utah Military Court; and
846 (j) cases transferred to the Court of Appeals from the Supreme Court.
847 (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an injunctive order
described in Section 78B-5-1002.
849 (5) Notwithstanding Subsection (3), the Court of Appeals upon its own motion only and by the vote
of four judges of the court may certify to the Supreme Court for original appellate review and
determination any matter over which the Court of Appeals has original appellate jurisdiction.
853 (6) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4, Administrative
Procedures Act, in the Court of Appeals's review of an agency adjudicative proceeding.
856 (7) A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:
857 (a) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;
858 (b) the Court of Appeals judge is designated by the presiding officer of the Judicial Council to sit as a
member of a panel as described in Section 78A-5a-202; and
860 (c) a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.
849 Section 16. Section **78A-5-102** is amended to read:
850 **78A-5-102. Jurisdiction of the district court -- Appeals.**
864

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(1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original jurisdiction in all matters civil and criminal.

(2) A district court judge may:

(a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's [orders, judgments, and decrees; ~~and~~]

(b) preside over an action for which the Business and Chancery Court has jurisdiction if:

(i) the district court judge is designated by the presiding officer of the Judicial Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5; and

(ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or disqualification~~[-]~~ ; and

(c) sit as a member of a panel for the Constitutional Court if:

(i) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;

(ii) the district court judge is designated by the presiding officer of the Judicial Council to sit as a member of a panel as described in Section 78A-5a-202; and

(iii) a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.

(3) The district court has jurisdiction:

(a) over matters of lawyer discipline consistent with the rules of the Supreme Court;

(b) over all matters properly filed in the circuit court ~~[prior to]~~ before July 1, 1996;

(c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);

(d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;

(e) over a petition seeking to terminate parental rights as described in Section 81-13-205;

(f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption proceeding; and

(g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.

(4) The district court has appellate jurisdiction over judgments and orders of the justice court as outlined in Section 78A-7-118 and small claims appeals filed in accordance with Section 78A-8-106.

(5) The district court has jurisdiction to review:

(a) a municipal administrative proceeding as described in Section 10-3-703.7;

(b) a decision resulting from a formal adjudicative proceeding by the State Tax Commission as described in Section 59-1-601;

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- (c) except as provided in Section 63G-4-402, a final agency action resulting from an informal adjudicative proceeding as described in Title 63G, Chapter 4, Administrative Procedures Act; and
- 901 (d) by trial de novo, a final order of the Department of Transportation resulting from formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2, Junkyard Control Act.
- 904 (6) The district court has original and exclusive jurisdiction over an action brought under Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 906 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 908 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 911 (a) there is no justice court with territorial jurisdiction;
- 912 (b) the offense occurred within the boundaries of the municipality in which the district courthouse is located and that municipality has not formed, or has formed and dissolved, a justice court; or
- 915 (c) the offense is included in an indictment or information covering a single criminal episode alleging the commission of a felony or a class A misdemeanor by an individual who is 18 years old or older.
- 918 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.
- 921 (10) The district court has subject matter jurisdiction over an action under Title 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district court.
- 924 (11)
- (a) The district court has subject matter jurisdiction over a criminal action that the justice court transfers to the district court.
- 926 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction over any refiled case of a criminal action transferred to the district court if the district court dismissed the transferred case without prejudice.
- 929 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i) over a parentage action filed in the district court, the district court may transfer jurisdiction over the parentage action to the juvenile court.
- 932 (13) The district court shall transfer an action to the Business and Chancery Court if:

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- 933 (a) the district court determines transfer is required or appropriate under Utah Rules of Civil Procedure,
Rule 42; and
- 935 (b) the action meets the jurisdictional requirements of the Business and Chancery Court.
- 936 [(13)] (14) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final
order, judgment, and decree of the district court as described in Sections 78A-3-102 and 78A-4-103.
- 927 Section 17. Section **78A-5-102.7** is repealed and reenacted to read:
- 928 **78A-5-102.7. Three-judge panel in the district court -- Requirements.**
- 942 (1) As used in this section:
- 943 (a) "Panel" means a panel of three district court judges that is convened under this section to hear and
decide an action.
- 945 (b)
- (i) "State entity" means the state or any agency, department, board, or commission of the state.
- 947 (ii) "State entity" includes the Legislature and any committee of the Legislature.
- 948 (c) "State official" means:
- 949 (i) a member of the Legislature;
- 950 (ii) the governor;
- 951 (iii) the lieutenant governor;
- 952 (iv) a member of the governor's cabinet;
- 953 (v) the state auditor;
- 954 (vi) the state treasurer; or
- 955 (vii) the attorney general.
- 956 (2)
- (a) A party to a civil action may file a notice in the district court that a panel of three district court
judges shall be convened to hear and decide the civil action if the civil action:
- 959 (i) is challenging the constitutionality of a state statute or legislation, a provision of the Utah
Constitution, an action or inaction of the Legislature, an executive order, an administrative rule,
or an inaction by the executive branch;
- 962 (ii) is seeking a declaratory judgment or injunctive relief; and
- 963 (iii) is brought against a state entity or a state official in the state official's capacity.
- 964 (b) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a notice described in
this Subsection (2).

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- 966 (c) A notice to convene a panel that was filed before the effective date of this bill and met the
requirements of this section and Utah Rules of Civil Procedure, Rule 42, at the time the notice was
969 filed is valid.
- (3)
- 972 (a) Upon the filing of a notice under Subsection (2), a panel of three district court judges shall hear and
decide, by majority decision, the civil action in accordance with this section.
- 973 (b) Each judge on a panel described in Subsection (3)(a) shall be:
- 974 (i) selected at random; and
- 975 (ii) from a different judicial district than the other judges on the panel.
- (4) The panel shall adjudicate any challenge as to whether the notice to convene the panel complied
with the requirements of this section and Utah Rules of Civil Procedure, Rule 42.
- 978 (5)
- (a) Except as provided in Subsection (5)(b) or (c), a chief judge from the panel shall conduct all
proceedings in an action before the panel.
- 980 (b) A panel shall sit en banc for:
- 981 (i) an adjudication of a notice to convene the panel as described in Subsection (4);
- 982 (ii) a discovery dispute between the parties that involves a constitutional issue or right;
- 984 (iii) a trial;
- 985 (iv) an order for an injunction or temporary restraining order; or
- 986 (v) a motion that would dispose of the action or any claim or defense in the action.
- 987 (c) Upon a party's request, or by majority vote of the panel, the panel may sit en banc for any issue
before the panel.
- 989 (d) A judge on a panel may concur or dissent from any decision for which the panel sits en banc.
- 991 (6)
- (a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before a panel.
- 993 (b) Any requirement in the Utah Code to file or bring an action in a specific district or county does not
apply to an action before a panel.
- 995 (7)
- (a) Before March 7, 2026, the Judicial Council shall:
- 996

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(i) by rule, create a process by which a district court judge is assigned to a panel by random selection, including any reassignment of a district court judge on a panel due to disqualification, recusal, or a change of judge as a matter of right; and

(ii) establish and maintain a list of judges who the Judicial Council determines are qualified to serve on a panel.

(b) The list established under Subsection (7)(a) shall consist of at least 50% of the district court judges from each district.

(c) The Judicial Council shall post the list described in Subsection (7)(a) on the website for the Utah state courts with information on the dates and number of times that a judge has served on a panel.

(8) The Judicial Council shall hire a coordinator and staff to assist any panel convened under this section.

Section 18. Section **78A-5-103** is amended to read:

78A-5-103. District court case management.

(1) As used in this section:

(a) "Municipal case" means a criminal case:

(i) filed in a district court by a city attorney on behalf of a municipality;

(ii) appealed from a municipal justice court to a district court; or

(iii) transferred to a district court by a municipal justice court.

(b) "Municipality" means the same as that term is defined in Section 10-1-104.

(c) "Municipality's principal office" means the primary location where the municipality conducts official administrative business.

~~[(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]~~ workload that accommodates differences in the subject matter or complexity of cases assigned to different judges.

~~[(3)]~~ (4)

(a) A district court may establish divisions within the court for the efficient management of different types of cases.~~[-]~~

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

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

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- 1027 [(b)] (ii) impede public access to the courts.
- 1028 (5)
- (a)
- (a){(i)} ~~{For}~~ Except as provided in Subsection (5)(b), management of municipal cases, the presiding judge of each judicial district shall:
- 1030 (i){(A)} assign at least one judge to hear a municipality's municipal cases;
- 1031 (ii){(B)} ensure that the number of judges assigned to hear a municipality's municipal cases does not exceed one judge for every 500 municipal cases that the municipality files, appeals, or transfers in the calendar year; and
- 1034 (iii){(C)} except as provided in Subsection ~~{(5)(c)}~~ (5)(a)(iii), ensure that each municipal case is heard in the closest possible location to the municipality.
- 1036 (b){(ii)} The location described in Subsection ~~{(5)(a)(iii)}~~ (5)(a)(i)(C) shall be measured by driving distance to the municipality's principal office.
- 1038 (c){(iii)} A municipal case may be heard in a location other than the location described in Subsection ~~{(5)(a)(iii)}~~ (5)(a)(i)(C) if the presiding judge finds good cause for the municipal case to be heard in a different location.
- 1028 (b) The requirements described in Subsection (5)(a) do not apply to the management of a municipality's municipal cases if the municipality and the presiding judge of the judicial district enter into a memorandum of understanding that specifies a different arrangement for managing the municipality's municipal cases.
- 1032 Section 19. Section **78A-5-105** is amended to read:
- 1033 **78A-5-105. Term of judges -- Vacancy.**
- 1043 (1)
- (a) ~~[Judges of the district courts shall be]~~ A judge of the district court is appointed initially until the first general election held more than three years after the effective date of the appointment. ~~[Thereafter, the]~~
- 1046 (b) ~~After the first term of appointment under Subsection (1)(a), the term of office for [judges of the district courts]~~ a judge of the district court is six years, and commences on the first Monday in January, next following the date of election.
- 1049 (2) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

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1051 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a
judge of the district court is appointed to the Constitutional Court and does not vacate the judge's
appointment to the district court as described in Section 78A-5b-201, the appointment to the
Constitutional Court does not modify the judge's term of office described in this section for the
judge's appointment to the district court.

1047 Section 20. Section **78A-5a-301** is amended to read:

1048 **78A-5a-301. Publication of decisions and orders.**

[The Business and Chancery Court shall;]

1059 [(1) publish all final decisions and orders issued by the Business and Chancery Court; and]

1060 [(2) make all final decisions and orders public on the Utah Courts' website.]

1061 {~~(1) publish any final decision or order issued by the Business and Chancery Court that the Business~~
~~and Chancery Court determines would be valuable precedent or in the interest of the public; or~~}

1064 {~~(2) make public the final decision or order on the website for the Utah state courts.~~}

The Business and Chancery Court shall publish on the website for the Utah state courts any final
decision or order issued by the Business and Chancery Court that the Business and Chancery Court
determines would be valuable precedent or in the interest of the public.

1055 Section 21. Section **78A-5a-302** is amended to read:

1056 **78A-5a-302. Tentative ruling before oral argument.**

[The {~~Upon agreement by the parties or for good cause, the~~} ~~Business and Chancery Court~~
~~shall provide the parties with a proposed ruling on~~
~~each motion~~ {~~within~~ at least} ~~48 hours before~~
~~the day on which oral argument is held on the motion.~~]

Within 48 hours before the day on which oral argument is held, the Business and Chancery
Court:

1061 (1) shall provide the parties with a proposed ruling on each dispositive motion; and

1062 (2) may provide a proposed ruling on any other type of motion.

1063 Section 22. Section **22** is enacted to read:

1066 **78A-5b-101. Definitions for chapter.**

5b. Constitutional Court

1. General Provisions

As used in this chapter:

HB0366S02 compared with HB0366S03

- 1075 (1) "Judicial Council" means the same as that term is defined in Section 78A-2-103.
1076 (2)
(a) "State entity" means the state or any agency, department, board, or commission of the state.
1078 (b) "State entity" includes the Legislature and any committee of the Legislature.
1079 (3) "State official" means:
1080 (a) a member of the Legislature;
1081 (b) the governor;
1082 (c) the lieutenant governor;
1083 (d) a member of the governor's cabinet;
1084 (e) the state auditor;
1085 (f) the state treasurer; or
1086 (g) the attorney general.
1080 Section 23. Section 23 is enacted to read:
1081 **78A-5b-102. Effect of chapter contingent on court ruling.**
This chapter only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.
1083 Section 24. Section 24 is enacted to read:
1084 **78A-5b-103. Establishment of the Constitutional Court -- Organization and status.**
1093 (1) There is established the Constitutional Court for the state.
1094 (2) The Constitutional Court is a court of record.
1095 (3) The Constitutional Court is a trial court with limited and statewide jurisdiction over actions and
claims as described in Section 78A-5b-103.
1097 (4) The Constitutional Court is of equal status with the district and juvenile courts and the Business and
Chancery Court of the state.
1099 (5) The Constitutional Court is established as a forum for the resolution of all matters properly
brought before the Constitutional Court and consistent with applicable constitutional and statutory
requirements of due process.
1102 (6) The Constitutional Court shall have a seal.
1103 (7) The judges and clerks of the Constitutional Court have the power to administer oaths and
affirmations.
1098 Section 25. Section 25 is enacted to read:
1099

HB0366S02 compared with HB0366S03

78A-5b-104. Jurisdiction of the Constitutional Court -- Judgment by panel -- District court action.

- 1108 (1) The Constitutional Court has exclusive jurisdiction over:
1109 (a) a civil action filed on or after the effective date of this chapter if the civil action:
1110 (i) is challenging the constitutionality of a state statute or legislation, a provision of the Utah
Constitution, an action or inaction of the Legislature, an executive order, an administrative rule, or
an inaction by the executive branch;
1113 (ii) is seeking a declaratory judgment or injunctive relief; and
1114 (iii) is brought against a state entity or a state official in the state official's capacity.
1115 (b) a civil action filed before the effective date of this chapter if:
1116 (i) the civil action is challenging the constitutionality of a state statute or legislation, a provision of the
Utah Constitution, an action or inaction of the Legislature, an executive order, an administrative
rule, or an inaction by the executive branch;
1119 (ii) the civil action is seeking a declaratory judgment or injunctive relief;
1120 (iii) the civil action is brought in the district court against a state entity or a state official in the state
official's capacity; and
1122 (iv) a party files a notice of removal within 45 days after the effective date of this chapter.
1124 (2) If a party files a notice of removal under Subsection (1)(b), the Constitutional Court shall adjudicate
any challenge as to whether the notice of removal complied with the requirements of Subsection (1)
(b).
1127 (3) A court shall transfer an action to the Constitutional Court if:
1128 (a) a party brings the civil action for which the Constitutional Court has exclusive jurisdiction under
Subsection (1)(a) in the court; or
1130 (b) a party files a notice of removal under Subsection (1)(b).
1131 (4) A party to a civil action in the Constitutional Court may not seek to transfer the action to another
trial court of this state, unless the Constitutional Court lacks jurisdiction over the action.

1127 Section 26. Section 26 is enacted to read:

1128 **78A-5b-105. Venue for Constitutional Court.**

- 1136 (1) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action brought in the
Constitutional Court.

1138

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- (2) Any requirement in the Utah Code to file or bring an action in a specific district or county does not apply to an action brought in the Constitutional Court.

1133 Section 27. Section 27 is enacted to read:

1135 **78A-5b-201. Judges of Constitutional Court -- Terms.**

2. Administration

- 1143 (1) If a judge of the district court or Court of Appeals is appointed and confirmed to the Constitutional Court, the judge is not required to vacate the judge's appointment to the district court or Court of Appeals to serve as a judge of the Constitutional Court.

1146 (2)

- (a) A judge of the Constitutional Court is appointed to initially serve as a judge of the Constitutional Court until the first general election held more than three years after the day on which the appointment is effective.

- 1149 (b) After the initial term described in Subsection (2)(a), the term of office of a judge of the Constitutional Court is six years and commences on the first Monday in January following the date of election.

- 1152 (c) A judge of the Constitutional Court whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.

1147 Section 28. Section 28 is enacted to read:

1148 **78A-5b-202. Decision by panel.**

- 1156 (1) Except as provided in Subsection (2)(a), a single judge of the Constitutional Court may conduct all proceedings in an action before the Constitutional Court.

1158 (2)

- (a) The Constitutional Court shall sit en banc for:

- 1159 (i) an adjudication of a challenge to a notice of removal as described in Subsection 78A-5b-104(2);
1161 (ii) a discovery dispute between the parties that involves a constitutional issue or right;
1163 (iii) a trial;
1164 (iv) a proceeding regarding whether to grant injunctive relief; or
1165 (v) a motion that would dispose of the action or any claim or defense in the action.

- 1166 (b) Upon a party's request, or by majority vote of the judges of the Constitutional Court, the Constitutional Court may sit en banc for any issue before the Constitutional Court.

1168

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(c) A judge of the Constitutional Court may concur or dissent from any decision for which the Constitutional Court sits en banc.

(3)

(a) If a judge of the Constitutional Court is unable to participate in a trial or proceeding described in Subsection (2) due to recusal or disqualification, a district court judge or Court of Appeals judge may be assigned to sit on the panel and participate in the trial or proceeding.

(b) The presiding officer of the Judicial Council shall designate a pool of three district court judges or Court of Appeals judges to be randomly assigned to the Constitutional Court to sit on the panel when a judge of the Constitutional Court is unable to sit on the panel due to recusal or disqualification.

Section 29. Section **29** is enacted to read:

78A-5b-203. Presiding judge -- Associate presiding judge -- Compensation -- Powers --

Duties.

(1) The judges of the Constitutional Court shall elect a presiding judge from among the members of the court by majority vote of all judges.

(2) The presiding judge shall receive \$2,000 per annum as additional compensation for the period served as presiding judge.

(3) The presiding judge has the following authority and responsibilities, consistent with the policies of the Judicial Council:

(a) implementing policies of the Judicial Council; and

(b) exercising powers and performing administrative duties as authorized by the Judicial Council.

(4)

(a) The judges of the Constitutional Court may elect an associate presiding judge from among the members of the court by majority vote of all judges.

(b) The associate presiding judge shall receive \$1,000 per annum as additional compensation for the period served as associate presiding judge.

(5)

(a) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge.

(b) The associate presiding judge shall perform other duties assigned by the presiding judge.

Section 30. Section **30** is enacted to read:

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- 1192 **78A-5b-204. Administrative system -- Case management -- Clerk of the court -- Employees.**
- 1201 (1)
- 1202 (a) There is established the State Constitutional Court Administrative System.
- 1202 (b) The Judicial Council shall administer the operation of the State Constitutional Court Administrative System.
- 1204 (2) The Constitutional Court shall develop a case management system that ensures judicial accountability for the just and timely disposition of cases.
- 1206 (3) The clerk of the Constitutional Court shall:
- 1207 (a) take charge of and safely keep the court seal;
- 1208 (b) take charge of and safely keep or dispose of all books, papers, and records filed or deposited with the clerk and all other records required by law or the rules of the Judicial Council;
- 1211 (c) issue all notices, processes, and summonses as authorized by law;
- 1212 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;
- 1213 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and
- 1214 (f) perform other duties as required by the presiding judge, the constitutional court administrator, applicable law, and the rules of the Judicial Council.
- 1216 (4) All employees, except judges of the Constitutional Court, are selected, promoted, and discharged through the state court's personnel system for the Constitutional Court under the direction and rules of the Judicial Council.
- 1212 Section 31. Section **31** is enacted to read:
- 1213 **78A-5b-205. Location of the Constitutional Court.**
- 1221 (1) The Constitutional Court may perform any of the Constitutional Court's functions in any location within the state.
- 1223 (2) The Judicial Council shall provide, from appropriations made by the Legislature, court space suitable for the conduct of court business for the Constitutional Court.
- 1225 (3) In order to carry out the Judicial Council's obligation to provide facilities for the Constitutional Court, the Judicial Council may lease space to be used by the Constitutional Court.
- 1228 (4) A lease or reimbursement for the Constitutional Court must comply with the standards of the Division of Facilities Construction and Management that are applicable to state agencies.
- 1231

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(5) The cost of salaries, travel, and training required for the discharge of the duties of judges, secretaries of judges or court executives, court executives, and court reporters for the Constitutional Court are paid from appropriations made by the Legislature.

1227 Section 32. Section **32** is enacted to read:

1228 **78A-5b-206. Court sessions.**

The Constitutional Court shall hold court at least once in each quarter of the year.

1230 Section 33. Section **78A-10a-202** is amended to read:

1231 **78A-10a-202. Notice of a vacancy -- Recruitment period for judicial vacancy -- Convening a judicial nominating commission.**

1240 (1)

(a) ~~[Unless a hiring freeze is implemented in accordance with Section 78A-2-113]~~ Except as otherwise provided by this section, the governor shall ensure that:

1242 (i) ~~[except as provided in Subsection (1)(a)(ii)]~~ if sufficient notice of a judicial vacancy is given to the governor, the recruitment period to fill a judicial vacancy begins 235 days before the effective date of the judicial vacancy;

1245 (ii) if sufficient notice of a judicial vacancy is not given to the governor, the recruitment period to fill a judicial vacancy begins within 10 days after the day on which the governor receives notice;

1248 (iii) ~~[except as provided in Subsection (1)(b),]~~ the recruitment period is a minimum of at least 30 days but no more than 90 days; and

1250 (iv) the chair of the commission having authority over the vacancy convenes a meeting no more than 10 days after the close of the recruitment period.

1252 (b) If fewer than nine applications are received for a judicial vacancy, the governor may extend the recruitment period described in Subsection (1)(a)(iii) up to 30 days.

1254 (2) If there is a hiring freeze implemented in accordance with Section 78A-2-113, the time periods described in Subsection (1) shall begin to run on the day that the hiring freeze ends.

1257 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a district court judge or Court of Appeals judge is appointed and confirmed as a judge of the Constitutional Court, the judge shall notify the governor as to whether the judge intends to vacate the judge's appointment to the district court or Court of Appeals.

1254 Section 34. Section **78A-10a-203** is amended to read:

1255

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78A-10a-203. Procedures for judicial nomination commission -- Meetings -- Certification -- Governor appointment.

- 1264 (1)
- (a) A commission may:
- 1265 (i) meet as necessary to perform the commission's function; and
- 1266 (ii) investigate the applicants of a judicial vacancy, including seeking input from members and employees of the judiciary and the community.
- 1268 (b) A commission may consult with the Judicial Council regarding the applicants for a judicial vacancy.
- 1270 (c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings Act.
- 1272 (2)
- (a) 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.
- 1276 (b) In addition to Subsection (2)(a), the Constitutional Court Nominating Commission shall select applicants in accordance with the requirements described in Section 78A-10a-606.
- 1279 (3)
- (a) Except as provided under Subsection (3)(b):
- 1280 (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;
- 1283 (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]~~
- 1285 (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~~[-]~~ ; and
- 1288 (iv) the Constitutional Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy.
- 1290 (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.

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- 1294 (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.
- 1296 (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.
- 1299 (6) A commission shall ensure that the list of applicants certified to the governor:
- 1300 (a) meet the qualifications required by law to fill the office; and
- 1301 (b) are willing to serve.
- 1302 (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:
- 1304 (a) the commission declined to submit that applicant's name to the governor to fill a previous judicial
vacancy;
- 1306 (b) a previous commission declined to submit that applicant's name to the governor; or
- 1307 (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.
- 1309 (8) A commission may not certify:
- 1310 (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
- 1313 (b) an applicant who has served on a commission within six months after the day on which the
commission was last convened.
- 1315 (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.
- 1317 (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.

1314 Section 35. Section 35 is enacted to read:

1316 **78A-10a-601. Definitions for part.**

6. Constitutional Court Nominating Commission

As used in this part:

1325

HB0366S02 compared with HB0366S03

(1) "Commission" means the Constitutional Court Nominating Commission created in Section 78A-10a-602.

(2) "Commissioner" means an individual appointed by the governor to serve on the commission.

Section 36. Section **36** is enacted to read:

78A-10a-602. Effect of part contingent on court ruling.

This part only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.

Section 37. Section **37** is enacted to read:

78A-10a-603. Creation of commission.

(1) There is created the Constitutional Court Nominating Commission.

(2) The Constitutional Court Nominating Commission shall nominate individuals to fill judicial vacancies on the Constitutional Court.

Section 38. Section **38** is enacted to read:

78A-10a-604. Membership -- Appointment -- Vacancies -- Removal.

(1) The Constitutional Court Nominating Commission shall consist of seven commissioners, each appointed by the governor to serve a four-year term.

(2) A commissioner shall:

(a) be a United States citizen;

(b) be a resident of Utah; and

(c) serve until the commissioner's successor is appointed.

(3) The governor may not appoint:

(a) a commissioner to serve successive terms; or

(b) a member of the Legislature to serve as a member of the commission.

(4) In determining whether to appoint an individual to serve as a commissioner, the governor shall consider whether the individual's appointment would ensure that the commission selects applicants without any regard to partisan political consideration.

(5) The governor shall appoint the chair of the commission from among the membership of the commission.

(6) The governor shall fill any vacancy in the commission caused by the expiration of a commissioner's term.

(7)

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(a) If a commissioner is disqualified, removed, or is otherwise unable to serve, the governor shall appoint a replacement commissioner to fill the vacancy for the unexpired term.

(b) A replacement commissioner appointed under Subsection (7)(a) may not be reappointed upon expiration of the term of service.

(8) The governor may remove a commissioner from the commission at any time with or without cause.

Section 39. Section **39** is enacted to read:

78A-10a-605. Procedure -- Staff -- Rules -- Recusal.

(1) Four commissioners are a quorum.

(2) The governor shall appoint a member of the governor's staff to serve as staff to the commission.

(3) The governor shall:

(a) ensure that the commission follows the rules promulgated by the State Commission on Criminal and Juvenile Justice under Section 78A-10a-201; and

(b) resolve any questions regarding the rules described in Subsection (3)(a).

(4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of interest that makes the commissioner unable to serve.

Section 40. Section **40** is enacted to read:

78A-10a-606. Expenses -- Per diem and travel.

A commissioner may not receive compensation or benefits for the commissioner's service but may receive per diem and travel expenses in accordance with:

(1) Section 63A-3-106;

(2) Section 63A-3-107; and

(3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Section 41. Section **41** is enacted to read:

78A-10a-607. Selection requirements for applicants.

(1) In selecting applicants who are the most qualified to serve on the Constitutional Court, the commission shall give precedence to an applicant who:

(a) is a judge or justice; or

(b) has previously served as a judge or justice.

(2) The commission shall make every effort to select applicants for the Constitutional Court that would result in each judge on the Constitutional Court having primarily practiced law or served as a judge in a different judicial district than the other judges on the Constitutional Court.

HB0366S02 compared with HB0366S03

1384 Section 42. Section **78A-11-102** is amended to read:

1385 **78A-11-102. Definitions.**

As used in this chapter:

1394 (1) "Commission" means the Judicial Conduct Commission established by Utah Constitution, Article
VIII, Section 13, and this chapter.

1396 (2)

(a) "Complaint" includes:

1397 (i) a written complaint against a judge; or

1398 (ii) an allegation based on reliable information received in any form, from any source, that alleges,
or from which a reasonable inference can be drawn that a judge is in violation of any provision
of Utah Constitution, Article VIII, Section 13.

1402 (b) "Complaint" does not include an allegation initiated by the commission or [its] the commission's
staff.

1404 (3) "Investigation" means an inquiry into an allegation of misconduct, including a search for and
examination of evidence concerning the allegations, which begins upon the receipt of a complaint
and is completed when either the complaint is dismissed by a majority vote of the commission or
when an order is sent to the Supreme Court for its review in accordance with Utah Constitution,
Article VIII, Section 13.

1409 (4) "Judge" includes:

1410 (a) the chief justice of the Supreme Court[;] ;

1411 (b) a justice of the Supreme Court[;] ;

1412 (c) a judge of the Court of Appeals[;] ;

1413 (d) a judge of the Business and Chancery Court[;] ;

1414 (e) a judge of the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described in
Section 78A-5b-102;

1416 (f) a district court judge[;] ;

1417 (g) an active senior judge[;] ;

1418 (h) a juvenile court judge[;] ;

1419 (i) a justice court judge[;] ;

1420 (j) an active senior justice court judge[;] ; and

1421 (k) a judge pro tempore of any court of this state.

HB0366S02 compared with HB0366S03

1415 Section 43. Section **78B-3a-102** is amended to read:

1416 **78B-3a-102. Applicability of this chapter.**

1424 (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall bring an action
in accordance with the requirements of this chapter.

1426 (2) The requirements of this chapter do not apply to:

1420 (a) [-]an action brought in{:

1427 {(a)} the Business and Chancery Court[-] ; or

1428 (b) an action brought in the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes
effect as described in Section 78A-5b-102.

1423 Section 44. Section **78B-5-202** is amended to read:

1424 **78B-5-202. Duration of judgment -- Judgment as a lien upon real property -- Abstract of
judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child support orders.**

1434 (1)

(a) Judgments shall continue for eight years from the date of entry in a court unless previously satisfied,
renewed, or unless enforcement of the judgment is stayed in accordance with law.

1437 (b) Entry of an order renewing a judgment:

1438 (i) maintains the date of the original judgment;

1439 (ii) maintains the priority of collection of the judgment; and

1440 (iii) except as explicitly provided otherwise by law or contract, begins anew the time limitation for an
action upon the judgment.

1442 (2) Before July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment by a district
court creates a lien upon the real property of the judgment debtor, not exempt from execution,
owned or acquired during the existence of the judgment, located in the county in which the
judgment is entered.

1446 (3) An abstract of judgment issued by the court in which the judgment is entered may be filed in any
court of this state and shall have the same force and effect as a judgment entered in that court.

1449 (4) Before July 1, 1997, and after May 15, 1998, a judgment entered in a small claims action may not
qualify as a lien upon real property unless abstracted to the district court and recorded in accordance
with Subsection (3).

1452 (5)

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- (a) If any judgment is appealed, upon deposit with the court where the notice of appeal is filed of cash or other security in a form and amount considered sufficient by the court that rendered the judgment to secure the full amount of the judgment, together with ongoing interest and any other anticipated damages or costs, including attorney fees and costs on appeal, the lien created by the judgment shall be terminated as provided in Subsection (5)(b).
- 1458 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court shall enter an order terminating the lien created by the judgment and granting the judgment creditor a perfected lien in the deposited security as of the date of the original judgment.
- 1462 (6)
- (a) A child support order, including an order or judgment for guardian ad litem attorney fees and costs, or a sum certain judgment for past due support may be enforced:
- 1465 (i) within four years after the date the youngest child reaches majority; or
- 1466 (ii) eight years from the date of entry of the sum certain judgment entered by a tribunal.
- 1468 (b) The longer period of duration shall apply in every order.
- 1469 (c) A sum certain judgment may be renewed to extend the duration.
- 1470 (7)
- (a) After July 1, 2002, a judgment entered by a district court, a justice court, [~~or~~]the Business and Chancery Court, or the Constitutional Court, becomes a lien upon real property if:
- 1473 (i) the judgment or an abstract of the judgment containing the information identifying the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the office of the county recorder; or
- 1476 (ii) the judgment or an abstract of the judgment and a separate information statement of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in the office of the county recorder.
- 1479 (b) The judgment shall run from the date of entry by the court.
- 1480 (c) The real property subject to the lien includes all the real property of the judgment debtor:
- 1482 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
- 1483 (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.
- 1485 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment in favor of a state agency, the real property subject to the lien includes all real property of the judgment debtor in the state.

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- 1488 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
1489 (8)
- (a) A judgment referred to in Subsection (7) shall be entered under the name of the judgment debtor in the judgment index in the office of the county recorder as required in Section 17-71-302.
- 1492 (b) A judgment containing a legal description shall also be abstracted in the appropriate tract index in the office of the county recorder.
- 1494 (9)
- (a) To release, assign, renew, or extend a lien created by a judgment recorded in the office of a county recorder, a person shall, in the office of the county recorder of each county in which an instrument creating the lien is recorded, record a document releasing, assigning, renewing, or extending the lien.
- 1498 (b) The document described in Subsection (9)(a) shall include:
- 1499 (i) the date of the release, assignment, renewal, or extension;
- 1500 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
- 1501 (iii) for the county in which the document is recorded in accordance with Subsection (9)(a):
- 1503 (A) the date on which the instrument creating the lien was recorded in that county's office of the county recorder; and
- 1505 (B) in accordance with Section 57-3-106, that county recorder's entry number and book and page of the recorded instrument creating the judgment lien.
- 1500 Section 45. Section **78B-5-206** is amended to read:
- 1501 **78B-5-206. Mileage allowance for judgment debtor required to appear.**
- 1509 (1) A judgment debtor legally required to appear before a district court[-or] , the Business and Chancery Court, or the Constitutional Court, to answer concerning the debtor's property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for each mile actually and necessarily traveled in going only, to be paid by the judgment creditor at whose instance the judgment debtor was required to appear.
- 1514 (2) The judgment creditor is not required to make any payment for such mileage until the judgment debtor has actually appeared before the court.
- 1509 Section 46. Section **78B-5-1002** is amended to read:
- 1510 **78B-5-1002. Right to an appeal of an injunctive order.**
- 1518 (1) As used in this section:

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- 1519 (a) "Defendant" means a defendant in the civil action or a party affected by the injunctive order.
- 1521 (b) "Governmental entity" means the state, a county, a municipality, a special district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.
- 1524 (c) "Injunctive order" means a temporary restraining order, a preliminary injunction, ~~[a permanent injunction, or any order or judgment]~~ or any order that restrains or enjoins the execution or enforcement of a state law or any part of a state law before entry of a judgment.
- 1528 (d) "Plaintiff" means the party seeking the injunctive order.
- 1529 (e) "State law" means a state statute, a provision of the Utah Constitution, or any action of the Legislature.
- 1531 (2) A defendant has a right in a civil action to appeal a decision by a trial court of this state to grant, continue, modify, or refuse to modify an injunctive order if the underlying claim for the injunctive order is that the state law, or any part of the state law, is unconstitutional on its face.
- 1535 (3) Upon an appeal described in Subsection (2), the Supreme Court shall determine whether:
- 1536 (a) the decision of the trial court is correct; and
- 1537 (b) there is a substantial likelihood that the plaintiff will prevail on the merits of the claim that the state law, or any part of the state law, is unconstitutional on its face.
- 1539 (4) A defendant who does not exercise the defendant's right to appeal under this section is not precluded from seeking an appeal of the decision upon entry of a judgment or under any other law for which the defendant may appeal the decision.
- 1542 [(4)] (5) If a governmental entity brings an appeal under Subsection (2), the governmental entity is not required to post a bond for the appeal.
- 1544 (6) The requirements for an appeal of right under the Utah Rules of Appellate Procedure apply to the filing of an appeal under this section.
- 1546 [(5)] (7) This section applies to an action pending in a court of this state on ~~[and]~~ or after May 7, 2025.
- 1541 Section 47. Section **78B-6-1303** is amended to read:
- 1542 **78B-6-1303. Lis pendens -- Notice.**
- 1550 (1)
- (a) Any party to an action filed in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~ the Business and

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Chancery Court of this state, or the Constitutional Court of this state that affects the title to, or the right of possession of, real property may file a notice of pendency of action.

(b) A party that chooses to file a notice of pendency of action shall:

(i) first, file the notice with the court that has jurisdiction of the action; and

(ii) second, record a copy of the notice filed with the court with the county recorder in the county where the property or any portion of the property is located.

(c) A person may not file a notice of pendency of action unless a case has been filed and is pending in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~the Business and Chancery Court of this state, or the Constitutional Court of this state.

(2) The notice shall contain:

(a) the caption of the case, with the names of the parties and the case number;

(b) the object of the action or defense; and

(c) the specific legal description of only the property affected.

(3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any other party in interest that may be affected by the action is considered to have constructive notice of pendency of action.

Section 48. **Effective date.**

Effective Date.

This bill takes effect:

(1) except as provided in Subsection (2), May 6, 2026; or

(2) if approved by two-thirds of all members elected to each house:

(a) upon approval by the governor;

(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

(c) in the case of a veto, the date of veto override.

Section 49. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, revise Section 78A-5-102.7 by replacing each instance of the phrase "the effective date of this bill" with the bill's actual effective date.

3-5-26 10:45 AM