

HB0392 compared with HB0392S03

- 9 ▶ addresses the {~~postjudgment interest rate~~} structure and voting process for {~~judgments of the court~~} a district court panel;
- 10 ▶ {~~addresses retention elections for judges of the court, including the ballot language for a retention election~~};
- 19 ▶ provides that the statutory venue requirements for a civil action do not apply to an action before a district court panel;
- 12 ▶ {~~adds a judge of~~} requires the {~~court~~} Judicial Council to create a rule regarding the {~~definition of "public official"~~} random selection process for {~~Title 63G, Chapter 23, Property Donated to State by Public Official~~} a judge on a district court panel;
- 14 ▶ addresses {~~salaries for judges~~} staffing of {~~the~~} a district court{~~;~~} panel; and
- 15 ▶ {~~provides that the court is not geographically divided into districts~~};
- 16 ▶ {~~provides that the court consists of three judges~~};
- 17 ▶ {~~amends the membership of the Judicial Council to include a member from the court~~};
- 18 ▶ {~~amends provisions regarding the administration of the courts to address the creation of the court~~};
- 20 ▶ {~~addresses a judicial hiring freeze for judges of the court~~};
- 21 ▶ {~~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~~};
- 24 ▶ {~~defines terms related to the court~~};
- 25 ▶ {~~provides that the court is a trial court with statewide jurisdiction~~};
- 26 ▶ {~~addresses the organization and status of the court~~};
- 27 ▶ {~~addresses the jurisdiction of the court~~};
- 28 ▶ {~~addresses the transfer of an action to the court~~};
- 29 ▶ {~~addresses the administration of the court, including~~};
- 30 • {~~the terms for judges of the court~~};
- 31 • {~~the presiding judge and associate presiding judge of the court; and~~}
- 32 • {~~staff and management of the court~~};
- 33 ▶ {~~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~~};
- 35 ▶ {~~addresses the location and facilities of the court~~};
- 36 ▶

HB0392 compared with HB0392S03

{addresses the selection process for judges of the court, including the creation of the Constitutional Court Nominating Commission;}

38 ▶ {makes changes to provisions regarding judgments, mileage, and lis pendens to address the creation of the court; and }

40 ▶ makes technical and conforming changes.

25 Money Appropriated in this Bill:

26 None

27 Other Special Clauses:

28 This bill provides a special effective date.

29 Utah Code Sections Affected:

30 AMENDS:

47 ~~{15-1-4, as last amended by Laws of Utah 2023, Chapter 394}~~

48 ~~{20A-12-201, as last amended by Laws of Utah 2025, Chapter 39}~~

49 ~~{63G-23-102, as last amended by Laws of Utah 2024, Chapter 158}~~

50 ~~{67-8-2, as last amended by Laws of Utah 2023, Chapter 394}~~

51 ~~{78A-1-101, as last amended by Laws of Utah 2023, Chapter 394}~~

52 ~~{78A-1-102, as last amended by Laws of Utah 2023, Chapter 394}~~

53 ~~{78A-2-104, as last amended by Laws of Utah 2023, Chapter 394}~~

54 ~~{78A-2-107, as last amended by Laws of Utah 2023, Chapter 394}~~

55 ~~{78A-2-108, as last amended by Laws of Utah 2023, Chapter 394}~~

56 ~~{78A-2-110, as last amended by Laws of Utah 2023, Chapter 394}~~

57 ~~{78A-2-113, as last amended by Laws of Utah 2023, Chapter 394}~~

31 **78A-3-102, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3**

58 ~~{78A-4-102, as last amended by Laws of Utah 2022, Chapter 276}~~

59 ~~{78A-4-103, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3}~~

60 ~~{78A-5-102, as last amended by Laws of Utah 2025, Chapter 426}~~

61 ~~{78A-5-105, as renumbered and amended by Laws of Utah 2008, Chapter 3}~~

62 ~~{78A-6-102, as last amended by Laws of Utah 2022, Chapter 335}~~

63 ~~{78A-10a-202, as enacted by Laws of Utah 2023, Chapter 250}~~

64 ~~{78A-10a-203, as enacted by Laws of Utah 2023, Chapter 250 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 250}~~

HB0392 compared with HB0392S03

66 ~~{78A-11-102, as last amended by Laws of Utah 2023, Chapter 394}~~

32 **78B-3a-102**, as enacted by Laws of Utah 2023, Chapter 401

68 ~~{78B-5-202, as last amended by Laws of Utah 2025, First Special Session, Chapter 17}~~

69 ~~{78B-5-206, as last amended by Laws of Utah 2023, Chapter 401}~~

70 ~~{78B-6-1303, as last amended by Laws of Utah 2023, Chapter 401}~~

33 ENACTS:

34 **67-5-41, Utah Code Annotated 1953**

72 ~~{78A-1-103.7, Utah Code Annotated 1953}~~

35 **78A-5-102.7, Utah Code Annotated 1953**

73 ~~{78A-5b-101, Utah Code Annotated 1953}~~

74 ~~{78A-5b-102, Utah Code Annotated 1953}~~

75 ~~{78A-5b-103, Utah Code Annotated 1953}~~

76 ~~{78A-5b-104, Utah Code Annotated 1953}~~

77 ~~{78A-5b-201, Utah Code Annotated 1953}~~

78 ~~{78A-5b-202, Utah Code Annotated 1953}~~

79 ~~{78A-5b-203, Utah Code Annotated 1953}~~

80 ~~{78A-5b-204, Utah Code Annotated 1953}~~

81 ~~{78A-5b-205, Utah Code Annotated 1953}~~

82 ~~{78A-5b-206, Utah Code Annotated 1953}~~

83 ~~{78A-10a-601, Utah Code Annotated 1953}~~

84 ~~{78A-10a-602, Utah Code Annotated 1953}~~

85 ~~{78A-10a-603, Utah Code Annotated 1953}~~

86 ~~{78A-10a-604, Utah Code Annotated 1953}~~

87 ~~{78A-10a-605, Utah Code Annotated 1953}~~

88 ~~{78A-10a-606, Utah Code Annotated 1953}~~

36

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

91 ~~{Section 1. Section 15-1-4 is amended to read: }~~

92 **15-1-4. Interest on judgments.**

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

94

HB0392 compared with HB0392S03

- (a) "Court" means the district court, the justice court, the Business and Chancery Court, or the Constitutional Court.
- 96 (b) "Federal postjudgment interest rate" means the interest rate established for the federal court system
under 28 U.S.C. Sec. 1961, as amended.
- 98 (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.
- 101 (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:
- 104 (i) the total of the principal balance of the deferred deposit loan;
- 105 (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);
- 107 (iii) costs;
- 108 (iv) attorney fees; and
- 109 (v) other amounts allowed by law and ordered by the court.
- 110 (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%.
- 114 (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.
- 117 (c) The interest on criminal judgments shall be calculated on the total amount of the judgment.
- 119 (d) Interest paid on state revenue shall be deposited in accordance with Section 63A-3-505.
- 121 (e) Interest paid on revenue to a county or municipality shall be paid to the general fund of the county or municipality.
- 123 (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~~

HB0392 compared with HB0392S03

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.

128 ~~{Section 2. Section 20A-12-201 is amended to read: }~~

129 **20A-12-201. Judicial appointees -- Retention elections.**

130 (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.

133 (b) After the first retention election:

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

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

138 (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:

140 (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

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

144 (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:

146 (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

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

151 (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.

154 (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.

HB0392 compared with HB0392S03

- 157 (3)
- (a) The lieutenant governor shall, no later than August 31 of each regular general election year:
- 159 (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 declaring their candidacy to the county clerk of each county; and
- 163 (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.
- 166 (b) Each county clerk shall place the names of justices and judges standing for retention election:
- 168 (i) in the nonpartisan section of the ballot; and
- 169 (ii) in accordance with Section 20A-6-109.
- 170 (4)
- (a) At the general election, the ballots shall contain:
- 171 (i) at the beginning of the judicial retention section of the ballot, the following statement:
- 172 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
recommendations for each judge"; and
- 174 (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 ()."
- 178 ~~[(ii) as to each justice or judge of any court to be voted on in the county, the following question:~~
- 180 "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)")
- 186 Yes ()
- 187 No ()."]
- 188 (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.
- 190 (5)

HB0392 compared with HB0392S03

(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.

192 (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.

195 (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.

197 (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.

203 (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.

207 ~~{Section 3. Section 63G-23-102 is amended to read: }~~

208 **63G-23-102. Definitions.**

As used in this chapter:

210 (1) "Public official" means, except as provided in Subsection (3), the same as that term is defined in Section 36-11-102.

212 (2) "Public official" includes a judge or justice of:

213 (a) the Utah Supreme Court;

214 (b) the Utah Court of Appeals;

215 (c) a district court;

216 (d) a juvenile court; [or]

217 (e) the Business and Chancery Court[-] ; or

218 (f) the Constitutional Court.

219 (3) "Public official" does not include a local official or an education official as defined in Section 36-11-102.

38 Section 1. Section 1 is enacted to read:

HB0392 compared with HB0392S03

39 **67-5-41. Right to intervene in action challenging constitutionality of a statute.**

40 (1) The attorney general has an unconditional right to intervene in a civil action in a district court upon
receiving a notice under Utah Rules of Civil Procedure, Rule 24, that a party is challenging the
constitutionality of a statute in the civil action.

43 (2) Intervention by the attorney general in accordance with Subsection (1) does not limit the
Legislature's unconditional right to intervene under Subsection 36-12-7(4).

221 ~~{Section 4. Section 67-8-2 is amended to read: }~~

222 **67-8-2. Salaries of judges established annually in appropriations act -- Bases of salaries --**
Additional compensation.

224 ~~[(1) The salaries of judges of courts of record, as described in Section 78A-1-101, shall be set annually~~
by the Legislature in an appropriations act.]

226 ~~[(2) Judicial salaries shall be based on the following percentages of the salary of a district court judge:]~~

228 ~~[(a) juvenile court judges: 100%;]~~

229 ~~[(b) Business and Chancery Court judges: 100%;]~~

230 ~~[(c) Court of Appeals judges: 105%; and]~~

231 ~~[(d) justices of the Supreme Court: 110%.]~~

232 (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.

234 (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:

236 (a) 100% for a juvenile court judge;

237 (b) 100% for a Business and Chancery Court judge;

238 (c) 105% for a Constitutional Court judge;

239 (d) 105% for a Court of Appeals judge; and

240 (e) 110% for a Supreme Court justice.

241 (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.

244

HB0392 compared with HB0392S03

(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.

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

249 [~~3~~] (4)

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

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

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

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

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

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

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

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

259 ~~{Section 5. Section 78A-1-101 is amended to read: }~~

260 **78A-1-101. Courts of this state -- Courts of record.**

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

262 (a) the Supreme Court;

263 (b) the Court of Appeals;

264 (c) the Business and Chancery Court;

265 (d) the Constitutional Court;

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

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

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

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

270 ~~{Section 6. Section 78A-1-102 is amended to read: }~~

271 **78A-1-102. Trial courts of record -- Geographical divisions.**

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

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

HB0392 compared with HB0392S03

- 274 (b) Second Judicial District, which includes Weber, Davis, and Morgan Counties;
275 (c) Third Judicial District, which includes Salt Lake, Summit, and Tooele Counties;
276 (d) Fourth Judicial District, which includes Utah, Wasatch, Juab, and Millard Counties;
277 (e) Fifth Judicial District, which includes Beaver, Iron, and Washington Counties;
278 (f) Sixth Judicial District, which includes Garfield, Kane, Piute, Sanpete, Sevier, and Wayne Counties;
280 (g) Seventh Judicial District, which includes Carbon, Emery, Grand, and San Juan Counties; and
282 (h) Eighth Judicial District, which includes Daggett, Duchesne, and Uintah Counties.
283 (2) The Business and Chancery Court [is] and the Constitutional Court are not divided into geographical divisions.

285 Section 7. Section 7 is enacted to read:

286 **78A-1-103.7. Number of Constitutional Court judges.**

The Constitutional Court shall consist of three judges.

288 ~~{Section 8. Section 78A-2-104 is amended to read: }~~

289 **78A-2-104. Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities**
-- Reports -- Guardian Ad Litem Oversight Committee.

- 291 (1) The Judicial Council is composed of:
292 (a) the chief justice of the Supreme Court;
293 (b) one member elected by the justices of the Supreme Court;
294 (c) one member elected by the judges of the Court of Appeals;
295 (d) one member elected by the judges of the Business and Chancery Court;
296 (e) one member elected by the judges of the Constitutional Court;
297 ~~[(e)]~~ (f) six members elected by the judges of the district courts;
298 ~~[(f)]~~ (g) three members elected by the judges of the juvenile courts;
299 ~~[(g)]~~ (h) three members elected by the justice court judges; and
300 ~~[(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.
303 (2) The Judicial Council shall have a seal.
304 (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.

HB0392 compared with HB0392S03

- 306 (b) The chief justice shall vote only in the case of a tie.
- 307 (4)
- (a) All members of the Judicial Council shall serve for three-year terms.
- 308 (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.
- 311 (c) In courts having more than one member, the members shall be elected to staggered terms.
- 313 (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.
- 317 (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.
- 320 (f) Elections are held under rules made by the Judicial Council.
- 321 (5)
- (a) The Judicial Council is responsible for the development of uniform administrative policy for the courts throughout the state.
- 323 (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.
- 326 (c) The Judicial Council has authority and responsibility to:
- 327 (i) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and
- 329 (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.
- 333 (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.
- 336 (7) The Judicial Council shall by rule:
- 337 (a) establish the time and manner for destroying court records, including computer records; and
- 339 (b) establish retention periods for court records.
- 340 (8)

HB0392 compared with HB0392S03

- (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.
- 343 (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.
- 345 (9)
- (a) The Judicial Council shall:
- 346 (i) advise judicial officers and employees concerning ethical issues; and
- 347 (ii) establish procedures for issuing informal and formal advisory opinions on ethical issues.
- 349 (b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.
- 351 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- 352 (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.
- 356 (b) The appointment under Subsection (10)(a) shall be:
- 357 (i) for a specific period of time; and
- 358 (ii) reported to the Judicial Council.
- 359 (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.
- 362 (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.
- 364 (b) There shall be at least one court clerk's office open during regular court hours in each county.
- 366 (c) Any trial court of record may hold court in any municipality designated as a location of a court of record.
- 368 (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.

371

HB0392 compared with HB0392S03

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

373 (14)

(a) The Judicial Council shall:

374 (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

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

377 (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.

381 (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.

386 ~~{Section 9. Section 78A-2-107 is amended to read: }~~

387 **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:

390 (1) the state court administrator shall:

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

392 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;

393 (c) implement the standards, policies, and rules established by the Judicial Council;

394 (d) formulate and administer a system of personnel administration, including in-service training programs;

396 (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement activities for the operation of the courts of record;

398 (f) assist justice courts in budgetary, fiscal, and accounting procedures;

399 (g) conduct studies of the business of the courts, including the preparation of recommendations and reports relating to the studies;

401 (h) develop uniform procedures for the management of court business, including the management of court calendars;

HB0392 compared with HB0392S03

- 403 (i) maintain liaison with the governmental and other public and private groups having an interest in the
administration of the courts;
- 405 (j) establish uniform policy concerning vacations and sick leave for judges and nonjudicial officers of
the courts;
- 407 (k) establish uniform hours for court sessions throughout the state;
- 408 (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;
- 410 (m)
- (i) organize and administer a program of continuing education for judges and support staff, including
training for justice court judges; and
- 412 (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;
- 415 (n) provide for an annual meeting for each level of the courts of record and the annual judicial
conference; and
- 417 (o) perform other duties as assigned by the presiding officer of the Judicial Council; and
- 418 (2) with the consent of the presiding officer of the Judicial Council, the state court administrator may:
- 420 (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, the Constitutional Court, a district court, or a juvenile
court; and
- 423 (b) set reasonable compensation for the service of a justice or judge under Subsection (2)(a).

425 {Section 10. Section 78A-2-108 is amended to read: }

426 **78A-2-108. Assistants for state court administrator -- Appointment of trial court executives.**

- 428 (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, constitutional court administrator, district court administrator, juvenile court
administrator, and justice court administrator.
- 435 (2) The state court administrator shall appoint an appellate court administrator, a business and chancery
court administrator, a constitutional court administrator, a district court administrator, a juvenile

HB0392 compared with HB0392S03

court administrator, and a justice court administrator with the concurrence of the respective boards as established by the Judicial Council.

- 439 (3)
- (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.
- 442 (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.
- 445 (c) The trial court executive shall supervise the work of all nonjudicial court staff and serve as administrative officer of the district.
- 447 (4) Administrators and assistants appointed under this section are known collectively as the Administrative Office of the Courts.

449 ~~{Section 11. Section 78A-2-110 is amended to read: }~~

450 **78A-2-110. Databases for judicial boards.**

- 451 (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:
- 455 (a) the constitution;
- 456 (b) statute;
- 457 (c) judicial order;
- 458 (d) any justice or judge;
- 459 (e) the Judicial Council;
- 460 (f) the state court administrator, a district court administrator, trial court executive, ~~[or]~~ a business and chancery court administrator, or a constitutional court administrator; or
- 462 (g) any clerk or administrator in the judicial branch of state government.
- 463 (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.
- 465 (3) The individual designated to maintain the database shall:
- 466 (a) ensure that the database contains:
- 467 (i) the name of the judicial board;
- 468 (ii) the statutory or constitutional authority for the creation of the judicial board;

HB0392 compared with HB0392S03

- 469 (iii) the court or other judicial entity under whose jurisdiction the judicial board operates or with which
the judicial board is affiliated, if any;
- 471 (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;
- 474 (v) the title of the position held by the individual who appointed each member of the judicial board;
- 476 (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;
- 478 (vii) the organization, interest group, profession, local government entity, or geographic area that the
member of the judicial board represents, if any;
- 480 (viii) whether or not the judicial board allocates state or federal funds and the amount of those funds
allocated during the last fiscal year;
- 482 (ix) whether the judicial board is a policy board or an advisory board;
- 483 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 484 (xi) any compensation and expense reimbursement that members of the executive board are authorized
to receive;
- 486 (b) make the information contained in the database available to the public upon request;
- 487 (c) cooperate with other entities of state government to publish the data or useful summaries of the data;
- 489 (d) prepare, publish, and distribute an annual report by April 1 of each year that includes, as of March 1
of that year:
- 491 (i) the total number of judicial boards;
- 492 (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;
- 495 (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;
- 498 (iv) the total number of members for each of those judicial boards;
- 499 (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
- 501 (vi) the compensation, if any, paid to the members of each of those judicial boards; and
- 503 (e) distribute copies of the report described in Subsection (3)(d) to:
- 504 (i) the chief justice of the Utah Supreme Court;

HB0392 compared with HB0392S03

- 505 (ii) the state court administrator;
506 (iii) the governor;
507 (iv) the president of the Utah Senate;
508 (v) the speaker of the Utah House;
509 (vi) the Office of Legislative Research and General Counsel; and
510 (vii) any other persons who request a copy of the annual report.

511 ~~{Section 12. Section 78A-2-113 is amended to read: }~~

512 **78A-2-113. Judicial hiring freeze authorized.**

- 513 (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.
- 517 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of the House,
and chief justice of the Supreme Court, may, by unanimous vote, implement a judicial hiring freeze
for judicial vacancies for:
- 520 (a) a juvenile court district with three or more juvenile court judges;
521 (b) a district court district with three or more district court judges;
522 (c) all Business and Chancery Court judges;
523 (d) all Constitutional Court judges;
524 ~~[(d)]~~ (e) all appellate court judges; or
525 ~~[(e)]~~ (f) any combination of Subsections (2)(a) through ~~[(d)]~~ (e).
- 526 (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:
- 528 (a) establish the length of that hiring freeze; and
529 (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.

45 Section 2. Section 78A-3-102 is amended to read:

46 **78A-3-102. Jurisdiction of Supreme Court.**

- 47 (1) The Supreme Court has original jurisdiction to answer questions of state law certified by a court of
the United States.

49

HB0392 compared with HB0392S03

(2) The Supreme Court has original jurisdiction to issue all extraordinary writs and authority to issue all writs and process necessary to carry into effect the Supreme Court's orders, judgments, and decrees or in aid of the jurisdiction of the Supreme Court.

52 (3)

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

54 (i) a judgment of the Court of Appeals;

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

57 (iii) the discipline of a lawyer;

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

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

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

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

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

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

66 (A) an election or voting contest; or

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

69 (x) the retention or removal of a public officer[-] ; and

70 (xi) a judgment, or an interlocutory appeal of an order, from a district court panel described in Section 78A-5-102.7.

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

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

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

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

80 (4)

HB0392 compared with HB0392S03

(a) In addition to Subsection (3)(a), the Supreme Court has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:

82 (i) a final agency action, as described in Section 63G-4-403, in a formal adjudicative proceeding originating from:

84 (A) the Public Service Commission;

85 (B) the State Tax Commission;

86 (C) the School and Institutional Trust Lands Board of Trustees;

87 (D) the Board of Oil, Gas, and Mining;

88 (E) the state engineer; or

89 (F) the executive director of the Department of Natural Resources reviewing an action of the Division of Forestry, Fire, and State Lands;

91 (ii) a final order or decree of the district court review of an informal adjudicative proceeding of an agency described in Subsection (4)(a)(i);

93 (iii) a final judgment or decree of a court of record holding a statute of the United States or this state is unconstitutional on its face under the Constitution of the United States or the Utah Constitution;

96 (iv) an interlocutory appeal from a court of record involving a first degree felony;

97 (v) an appeal from a district court involving a conviction or charge of a first degree felony; and

99 (vi) an order, judgment, or decree of a court of record over which the Court of Appeals does not have appellate jurisdiction.

101 (b) The Supreme Court may transfer any matter described in Subsection (4)(a) to the Court of Appeals.

103 (5)

(a) The Supreme Court has sole discretion in granting or denying a petition for writ of certiorari for the review of a Court of Appeals adjudication.

105 (b) Notwithstanding Subsection (5)(a), the Supreme Court shall review a case certified to the Supreme Court by the Court of Appeals under Subsection (3)(a)(ii).

107 (6) The Supreme Court shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in the Supreme Court's review of an agency adjudicative proceeding.

531 ~~{Section 13. Section 78A-4-102 is amended to read: }~~

532 **78A-4-102. Number of judges -- Terms -- Presiding judge -- Associate presiding judge -- Filing fees.**

HB0392 compared with HB0392S03

- 534 (1)
- (a) The Court of Appeals consists of seven judges.
- 535 (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.
- 537 (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.
- 540 (d) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.
- 542 (e) If 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.
- 547 (2)
- (a) The Court of Appeals shall sit and render judgment in panels of three judges.
- 548 (b) Assignment to panels shall be by random rotation of all judges of the Court of Appeals.
- 550 (c) The Court of Appeals by rule shall provide for the selection of a chair for each panel.
- 551 (d) The Court of Appeals may not sit en banc.
- 552 (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.
- 554 (b) The term of office of the presiding judge is two years and until a successor is elected.
- 555 (c) A presiding judge of the Court of Appeals may serve in that office no more than two successive terms.
- 557 (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.
- 559 (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.
- 561 (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.

HB0392 compared with HB0392S03

- 563 (b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:
- 564 (i) administer the rotation and scheduling of panels;
- 565 (ii) act as liaison with the Supreme Court;
- 566 (iii) call and preside over the meetings of the Court of Appeals; and
- 567 (iv) carry out duties prescribed by the Supreme Court and the Judicial Council.
- 568 (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.
- 570 (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.
- 572 (6) Filing fees for the Court of Appeals are the same as for the Supreme Court.
- 573 ~~{Section 14. Section 78A-4-103 is amended to read: }~~
- 574 **78A-4-103. Jurisdiction of Court of Appeals.**
- 575 (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.
- 578 (2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:
- 580 (a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or
- 581 (b) in aid of the jurisdiction of the Court of Appeals.
- 582 (3) The Court of Appeals has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:
- 584 (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:
- 586 (A) a formal adjudicative proceeding of a state agency;
- 587 (B) a special adjudicative proceeding, as described in Section 19-1-301.5; or
- 588 (C) a hearing before a local school board or the State Board of Education as described in Section 53G-11-515; or
- 590 (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;
- 592 (b) appeals from the district court review of:

HB0392 compared with HB0392S03

- 593 (i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and
595 (ii) a challenge to agency action under Section 63G-3-602;
596 (c) appeals from the juvenile courts;
597 (d) interlocutory appeals from any court of record in criminal cases, except those involving a charge of
a first degree or capital felony;
599 (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;
601 (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;
604 (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;
607 (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;
610 (i) appeals from the Utah Military Court; and
611 (j) cases transferred to the Court of Appeals from the Supreme Court.
612 (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an injunctive order
described in Section 78B-5-1002.
614 (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.
618 (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.
621 (7) A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:
622 (a) 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
624 (b) a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.
626 ~~{Section 15. Section 78A-5-102 is amended to read: }~~
627 **78A-5-102. Jurisdiction of the district court -- Appeals.**
628 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original
jurisdiction in all matters civil and criminal.

HB0392 compared with HB0392S03

- 630 (2) A district court judge may:
- 631 (a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's [
]orders, judgments, and decrees; [~~and~~]
- 633 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
- 634 (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
- 637 (ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or
disqualification[-] ; and
- 639 (c) sit as a member of a panel for the Constitutional Court if:
- 640 (i) 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
- 642 (ii) a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.
- 644 (3) The district court has jurisdiction:
- 645 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
- 646 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
- 647 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
- 648 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
- 649 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
- 650 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption proceeding; and
- 652 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4, Declaratory Judgments.
- 654 (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.
- 657 (5) The district court has jurisdiction to review:
- 658 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 659 (b) a decision resulting from a formal adjudicative proceeding by the State Tax Commission as
described in Section 59-1-601;
- 661 (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
- 664 (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.

HB0392 compared with HB0392S03

- 667 (6) The district court has original and exclusive jurisdiction over an action brought under Title 63G,
Chapter 7, Governmental Immunity Act of Utah.
- 669 (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).
- 671 (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:
- 674 (a) there is no justice court with territorial jurisdiction;
- 675 (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
- 678 (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.
- 681 (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.
- 684 (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.
- 687 (11)
- (a) The district court has subject matter jurisdiction over a criminal action that the justice court transfers
to the district court.
- 689 (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.
- 692 (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.
- 695 (13) 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.

111 Section 3. Section 3 is enacted to read:

112 **78A-5-102.7. Three-judge panel in the district court -- Requirements.**

113 (1) As used in this section:

HB0392 compared with HB0392S03

- 114 (a) "Panel" means a panel of three district court judges that is convened under this section to hear and
115 decide an action.
- 116 (b)
- 117 (i) "State entity" means the state or any agency, department, board, or commission of the state.
- 118 (ii) "State entity" includes the Legislature and any committee of the Legislature.
- 119 (c)
- 120 (i) "State official" means an individual elected or appointed to a state office.
- 121 (ii) "State official" includes:
- 122 (A) a member of the Legislature;
- 123 (B) the governor;
- 124 (C) the lieutenant governor;
- 125 (D) the state auditor;
- 126 (E) the state treasurer; and
- 127 (F) the attorney general.
- 128 (2)
- 129 (a) If a civil action is brought in the district court and a state entity, or a state official in the state
130 official's capacity, is a party to the civil action, the attorney general, the governor, or the Legislature
131 may file a notice in the district court that a panel of three district court judges must be convened to
132 hear and decide the civil action.
- 133 (b) A notice to convene a panel under Subsection (2)(a):
- 134 (i) may not be challenged by any party; and
- 135 (ii) is not subject to judicial review.
- 136 (c)
- 137 (i) The Legislature, a committee of the Legislature, or a member of the Legislature in the member's
138 capacity, must be a party to the civil action for the Legislature to file a notice under Subsection (2)
139 (a).
- 140 (ii) The governor, or a state official for the executive branch, must be a party to the civil action for the
141 governor to file a notice under Subsection (2)(a).
- 142 (iii) The attorney general must be a party, or representing a party, to the civil action to file a notice
143 under Subsection (2)(a).

HB0392 compared with HB0392S03

- 143 (d) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a notice described in this Subsection (2).
- 143 (3)
- 146 (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.
- 147 (b) Each judge on a panel described in Subsection (3)(a) shall be:
- 147 (i) selected at random; and
- 148 (ii) from a different judicial district than the other judges on the panel.
- 149 (4)
- 151 (a) The presiding officer of the Judicial Council shall select one judge assigned to a panel to be the chief judge of the panel.
- 151 (b) Except as provided in Subsection (4)(c), the chief judge shall conduct all proceedings in an action before a panel.
- 153 (c) A panel shall sit en banc for a trial, an order for an injunction or temporary restraining order, or any motion that would dispose of the action or any claim or defense in the action.
- 156 (d) A judge on a panel may concur or dissent from any decision for which the panel sits en banc.
- 158 (5)
- 160 (a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before a panel.
- 160 (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.
- 162 (6)
- 163 (a) Before March 7, 2026, the Judicial Council shall:
- 163 (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
- 166 (ii) establish and maintain a list of judges who the Judicial Council determines are qualified to serve on a panel.
- 168 (b) The list established under Subsection (6)(a) shall consist of at least 50% of the district court judges from each district.
- 170 (c) The Judicial Council shall post the list described in Subsection (6)(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.

HB0392 compared with HB0392S03

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

698 ~~{Section 16. Section 78A-5-105 is amended to read: }~~

699 **78A-5-105. Term of judges -- Vacancy.**

700 (1) ~~[Judges of the district courts shall be]~~

701 (a) 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]~~

703 (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.

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

708 (3) If 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.

712 Section 17. Section 17 is enacted to read:

713 **CHAPTER 5b. Constitutional Court**

714 **Part 1. General Provisions**

715 **78A-5b-101. Definitions for chapter.**

As used in this chapter:

717 (1)

(a) "Injunctive order" means a temporary restraining order, a preliminary injunction, a permanent
injunction, or any order or judgment that restrains or enjoins the execution or enforcement of a state
law or any part of a state law.

720 (b) "Injunctive order" does not include an extraordinary writ under the original jurisdiction of the
district court or Supreme Court.

722 (2) "Judicial Council" means the same as that term is defined in Section 78A-2-103.

723 (3) "Significant public importance" means a case in which the outcome would impact a significant
number of the citizens of Utah.

HB0392 compared with HB0392S03

725 (4) "State law" means a state statute or legislation, a provision of the Utah Constitution, or any action of
726 the Legislature.

727 Section 18. Section **18** is enacted to read:

728 **78A-5b-102. Establishment of the Constitutional Court -- Organization and status.**

730 (1) There is established the Constitutional Court for the state.

731 (2) The Constitutional Court is a court of record.

732 (3) The Constitutional Court is a trial court with limited and statewide jurisdiction over actions and
733 claims as described in Section 78A-5b-103.

734 (4) The Constitutional Court is of equal status with the district and juvenile courts and the Business and
735 Chancery Court of the state.

736 (5) The Constitutional Court is established as a forum for the resolution of all matters properly
737 brought before the Constitutional Court and consistent with applicable constitutional and statutory
738 requirements of due process.

739 (6) The Constitutional Court shall have a seal.

740 (7) The judges and clerks of the Constitutional Court have the power to administer oaths and
741 affirmations.

742 Section 19. Section **19** is enacted to read:

743 **78A-5b-103. Exclusive jurisdiction of the Constitutional Court -- Judgment by panel --**

District court action.

745 (1) The Constitutional Court has exclusive jurisdiction over:

746 (a) a civil action where a party is challenging the constitutionality of a state law and is seeking an
747 injunctive order; or

748 (b) a civil action in which the attorney general or the Legislature has filed a notice of removal to the
749 Constitutional Court as described in Subsection (2).

750 (2) The attorney general or Legislature has a right to file a notice of removal to the Constitutional Court
751 in any civil action of significant public importance that is filed in a district court of this state.

752 (3)

753 (a) A court shall transfer an action to the Constitutional Court if:

754 (i) a party brings the civil action described in Subsection (1)(a) in the court; or

755 (ii) the court is a district court and the attorney general or Legislature files a notice of removal to
756 the Constitutional Court.

HB0392 compared with HB0392S03

757 (b) Subsection (3)(a) includes any civil action that is on remittitur from the Supreme Court or Court of Appeals.

759 (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.

762 (5) This section applies to a civil action pending in a court of this state on and after January 1, 2027.

764 Section 20. Section **20** is enacted to read:

765 **78A-5b-104. Venue for Constitutional Court.**

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

768 (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.

770 Section 21. Section **21** is enacted to read:

771 **Part 2. Administration**

772 **78A-5b-201. Judges of Constitutional Court -- Terms.**

773 (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.

776 (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.

779 (b) After the initial term described in Subsection (1)(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.

782 (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.

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

785 **78A-5b-202. Decision by panel.**

786 (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.

788 (2)

HB0392 compared with HB0392S03

(a) The Constitutional Court shall sit en banc for a trial, a proceeding regarding an injunctive order, or any motion that would dispose of the action or any claim or defense in the action.

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

793 (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.

797 (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.

801 Section 23. Section **23** is enacted to read:

802 **78A-5b-203. Presiding judge -- Associate presiding judge -- Compensation -- Powers --**

Duties.

804 (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.

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

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

810 (a) implementing policies of the Judicial Council; and

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

813 (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.

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

817 (5)

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

HB0392 compared with HB0392S03

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

821 Section 24. Section **24** is enacted to read:

822 **78A-5b-204. Administrative system -- Case management -- Clerk of the court -- Employees.**

824 (1)

(a) There is established the State Constitutional Court Administrative System.

825 (b) The Judicial Council shall administer the operation of the State Constitutional Court Administrative System.

827 (2) The Constitutional Court shall develop a case management system that ensures judicial accountability for the just and timely disposition of cases.

829 (3) The clerk of the Constitutional Court shall:

830 (a) take charge of and safely keep the court seal;

831 (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;

834 (c) issue all notices, processes, and summonses as authorized by law;

835 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;

836 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and

837 (f) perform other duties as required by the presiding judge, the constitutional court administrator, applicable law, and the rules of the Judicial Council.

839 (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.

842 Section 25. Section **25** is enacted to read:

843 **78A-5b-205. Location of the Constitutional Court.**

844 (1) The Constitutional Court may perform any of the Constitutional Court's functions in any location within the state.

846 (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.

848 (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.

851 (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.

HB0392 compared with HB0392S03

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

857 Section 26. Section 26 is enacted to read:

858 **78A-5b-206. Court sessions.**

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

860 ~~{Section 27. Section 78A-6-102 is amended to read: }~~

861 **78A-6-102. Establishment of juvenile court -- Organization and status of court -- Purpose.**

863 (1) There is established a juvenile court for the state.

864 (2)

(a) The juvenile court is a court of record.

865 (b) The juvenile court shall have a seal.

866 (c) The juvenile court's judges, clerks, and referees have the power to administer oaths and affirmations.

868 (d) The juvenile court has the authority to issue search warrants, subpoenas, or investigative subpoenas
under Section 80-2a-202, Part 4a, Adult Criminal Proceedings, Title 80, Chapter 3, Abuse, Neglect,
and Dependency Proceedings, Title 80, Chapter 4, Termination and Restoration of Parental Rights,
and Title 80, Chapter 6, Juvenile Justice, for the same purposes and in the same manner as described
in Title 77, Utah Code of Criminal Procedure, and the Utah Rules of Criminal Procedure, for the
issuance of search warrants, subpoenas, or investigative subpoenas in other trial courts in the state.

876 (3) The juvenile court is of equal status with the district courts, the Business and Chancery Court, and
the Constitutional Court of the state.

878 (4) The juvenile court is established as a forum for the resolution of all matters properly brought before
the juvenile court, consistent with applicable constitutional and statutory requirements of due
process.

881 (5) The purpose of the court under this chapter is to:

882 (a) promote public safety and individual accountability by the imposition of appropriate sanctions on
persons who have committed acts in violation of law;

884 (b) order appropriate measures to promote guidance and control, preferably in the minor's own home, as
an aid in the prevention of future unlawful conduct and the development of responsible citizenship;

887 (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who have committed
acts bringing them within the court's jurisdiction;

HB0392 compared with HB0392S03

- 889 (d) adjudicate matters that relate to minors who are beyond parental or adult control and to establish
appropriate authority over these minors by means of placement and control orders;
- 892 (e) adjudicate matters that relate to abused, neglected, and dependent children and to provide care and
protection for minors by placement, protection, and custody orders;
- 894 (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety,
may not otherwise be adequately safeguarded; and
- 896 (g) consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and
strengthen family ties.

898 ~~{Section 28. Section 78A-10a-202 is amended to read: }~~

899 **78A-10a-202. Notice of a vacancy -- Recruitment period for judicial vacancy -- Convening a
judicial nominating commission.**

901 (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:

903 (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;

906 (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;

909 (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

911 (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.

913 (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.

915 (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.

918 (3) If 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.

921 ~~{Section 29. Section 78A-10a-203 is amended to read: }~~

HB0392 compared with HB0392S03

- 922 **78A-10a-203. Procedures for judicial nomination commission -- Meetings -- Certification --**
923 **Governor appointment.**
- 924 (1)
- 925 (a) A commission may:
- 926 (i) meet as necessary to perform the commission's function; and
- 927 (ii) investigate the applicants of a judicial vacancy, including seeking input from members and
928 employees of the judiciary and the community.
- 929 (b) A commission may consult with the Judicial Council regarding the applicants for a judicial vacancy.
- 930 (c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and Public Meetings
931 Act.
- 932 (2)
- 933 (a) In determining which of the applicants are the most qualified, a commission shall determine by
934 a majority vote of the commissioners present which of the applicants best possess the ability,
935 temperament, training, and experience that qualifies an applicant for the office.
- 936 (b) In addition to Subsection (2)(a), the Constitutional Court Nominating Commission shall select
937 applicants in accordance with the requirements described in Section 78A-10a-606.
- 938 (3)
- 939 (a) Except as provided under Subsection (3)(b):
- 940 (i) the [~~appellate court nominating commission~~] Appellate Court Nominating Commission shall
941 certify to the governor a list of the seven most qualified applicants per judicial vacancy;
- 942 (ii) a district and juvenile court nominating commission shall certify to the governor a list of the
943 five most qualified applicants per judicial vacancy; [~~and~~]
- 944 (iii) the [~~business and chancery court nominating commission~~] Business and Chancery Court
945 Nominating Commission shall certify to the governor a list of the seven most qualified
946 applicants per judicial vacancy[.]; and
- 947 (iv) the Constitutional Court Nominating Commission shall certify to the governor a list of the
948 seven most qualified applicants per judicial vacancy.
- 949 (b) If a commission is considering applicants for more than one judicial vacancy existing at the
950 same time and for the same court, the commission shall include one additional applicant for each
951 additional judicial vacancy in the court in the list of applicants the commission certifies to the
952 governor.

HB0392 compared with HB0392S03

- 954 (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.
- 956 (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.
- 959 (6) A commission shall ensure that the list of applicants certified to the governor:
- 960 (a) meet the qualifications required by law to fill the office; and
- 961 (b) are willing to serve.
- 962 (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:
- 964 (a) the commission declined to submit that applicant's name to the governor to fill a previous judicial
vacancy;
- 966 (b) a previous commission declined to submit that applicant's name to the governor; or
- 967 (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.
- 969 (8) A commission may not certify:
- 970 (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
- 973 (b) an applicant who has served on a commission within six months after the day on which the
commission was last convened.
- 975 (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.
- 977 (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.

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

982 **Part 6. Constitutional Court Nominating Commission**

983 **78A-10a-601. Definitions for part.**

As used in this part:

985

HB0392 compared with HB0392S03

987 (1) "Commission" means the Constitutional Court Nominating Commission created in Section
989 78A-10a-602.

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

989 Section 31. Section **31** is enacted to read:

990 **78A-10a-602. Creation of commission.**

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

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

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

995 **78A-10a-603. Membership -- Appointment -- Vacancies -- Removal.**

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

998 (2) A commissioner shall:

999 (a) be a United States citizen;

1000 (b) be a resident of Utah; and

1001 (c) serve until the commissioner's successor is appointed.

1002 (3) The governor may not appoint:

1003 (a) a commissioner to serve successive terms; or

1004 (b) a member of the Legislature to serve as a member of the commission.

1005 (4) In determining whether to appoint an individual to serve as a commissioner, the governor shall
1008 consider whether the individual's appointment would ensure that the commission selects applicants
1010 without any regard to partisan political consideration.

1008 (5) The governor shall appoint the chair of the commission from among the membership of the
1010 commission.

1010 (6) The governor shall fill any vacancy in the commission caused by the expiration of a commissioner's
1012 term.

1012 (7)

(a) If a commissioner is disqualified, removed, or is otherwise unable to serve, the governor shall
1015 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.

HB0392 compared with HB0392S03

1017 (8) The governor may remove a commissioner from the commission at any time with or without cause.

1019 Section 33. Section **33** is enacted to read:

1020 **78A-10a-604. Procedure -- Staff -- Rules -- Recusal.**

1021 (1) Four commissioners are a quorum.

1022 (2) The governor shall appoint a member of the governor's staff to serve as staff to the commission.

1024 (3) The governor shall:

1025 (a) ensure that the commission follows the rules promulgated by the State Commission on Criminal and Juvenile Justice under Section 78A-10a-201; and

1027 (b) resolve any questions regarding the rules described in Subsection (3)(a).

1028 (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.

1030 Section 34. Section **34** is enacted to read:

1031 **78A-10a-605. 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:

1034 (1) Section 63A-3-106;

1035 (2) Section 63A-3-107; and

1036 (3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

1038 Section 35. Section **35** is enacted to read:

1039 **78A-10a-606. Selection requirements for applicants.**

1040 (1) In selecting applicants who are the most qualified to serve on the Constitutional Court, the commission shall give precedence to an applicant who:

1042 (a) is a judge or justice; or

1043 (b) has previously served as a judge or justice.

1044 (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.

1048 ~~{Section 36. Section **78A-11-102** is amended to read: }~~

1049 **78A-11-102. Definitions.**

As used in this chapter:

1051

HB0392 compared with HB0392S03

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

1053 (2)

(a) "Complaint" includes:

1054 (i) a written complaint against a judge; or

1055 (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.

1058 (b) "Complaint" does not include an allegation initiated by the commission or its staff.

1059 (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.

1064 (4) "Judge" includes:

1065 (a) the chief justice of the Supreme Court[;] ;

1066 (b) a justice of the Supreme Court[;] ;

1067 (c) a judge of the Court of Appeals[;] ;

1068 (d) a judge of the Business and Chancery Court[;] ;

1069 (e) a judge of the Constitutional Court;

1070 (f) a district court judge[;] ;

1071 (g) an active senior judge[;] ;

1072 (h) a juvenile court judge[;] ;

1073 (i) a justice court judge[;] ;

1074 (j) an active senior justice court judge[;] ; and

1075 (k) a judge pro tempore of any court of this state.

175 Section 4. Section **78B-3a-102** is amended to read:

176 **78B-3a-102. Applicability of this chapter-- Venue for the Business and Chancery Court.**

1078 (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.

1080 (2) The requirements of this chapter do not apply to:

HB0392 compared with HB0392S03

- 181 (a) an action brought in{:}
- 1081 ~~{(a)}~~ the Business and Chancery Court[-] ; or
- 1082 (b) an action before a panel of judges in the {Constitutional Court} district court under Section
78A-5-102.7.
- 1083 ~~{Section 38. Section 78B-5-202 is amended to read: }~~
- 1084 **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.
- 1087 (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.
- 1090 (b) Entry of an order renewing a judgment:
- 1091 (i) maintains the date of the original judgment;
- 1092 (ii) maintains the priority of collection of the judgment; and
- 1093 (iii) except as explicitly provided otherwise by law or contract, begins anew the time limitation for an
action upon the judgment.
- 1095 (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.
- 1099 (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.
- 1102 (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).
- 1105 (5)
- (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).

1111

HB0392 compared with HB0392S03

(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.

1115 (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:

1118 (i) within four years after the date the youngest child reaches majority; or

1119 (ii) eight years from the date of entry of the sum certain judgment entered by a tribunal.

1121 (b) The longer period of duration shall apply in every order.

1122 (c) A sum certain judgment may be renewed to extend the duration.

1123 (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:

1126 (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

1129 (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.

1132 (b) The judgment shall run from the date of entry by the court.

1133 (c) The real property subject to the lien includes all the real property of the judgment debtor:

1135 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and

1136 (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.

1138 (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.

1141 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).

1142 (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.

1145

HB0392 compared with HB0392S03

(b) A judgment containing a legal description shall also be abstracted in the appropriate tract index in the office of the county recorder.

1147 (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.

1151 (b) The document described in Subsection (9)(a) shall include:

1152 (i) the date of the release, assignment, renewal, or extension;

1153 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and

1154 (iii) for the county in which the document is recorded in accordance with Subsection (9)(a):

1156 (A) the date on which the instrument creating the lien was recorded in that county's office of the county recorder; and

1158 (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.

1160 ~~{Section 39. Section 78B-5-206 is amended to read: }~~

1161 **78B-5-206. Mileage allowance for judgment debtor required to appear.**

1162 (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.

1167 (2) The judgment creditor is not required to make any payment for such mileage until the judgment debtor has actually appeared before the court.

1169 ~~{Section 40. Section 78B-6-1303 is amended to read: }~~

1170 **78B-6-1303. Lis pendens -- Notice.**

1171 (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 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.

HB0392 compared with HB0392S03

- 1176 (b) A party that chooses to file a notice of pendency of action shall:
- 1177 (i) first, file the notice with the court that has jurisdiction of the action; and
- 1178 (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.
- 1180 (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.
- 1184 (2) The notice shall contain:
- 1185 (a) the caption of the case, with the names of the parties and the case number;
- 1186 (b) the object of the action or defense; and
- 1187 (c) the specific legal description of only the property affected.
- 1188 (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.

183 Section 5. **Effective date.**

Effective Date.

This bill takes effect ~~{on May 6, 2026.}~~ :

- 185 (1) except as provided in Subsection (2), May 6, 2026; or
- 186 (2) if approved by two-thirds of all members elected to each house:
- 187 (a) upon approval by the governor;
- 188 (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or
- 190 (c) in the case of a veto, the date of veto override.

2-11-26 9:05 AM