

HB0392S03 compared with HB0392S01

~~{Omitted text}~~ shows text that was in HB0392S01 but was omitted in HB0392S03
inserted text shows text that was not in HB0392S01 but was inserted into HB0392S03

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District Court Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Matt MacPherson
Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses ~~{the creation of a panel of judges}~~ civil actions in the district court.

Highlighted Provisions:

This bill:

- ▶ grants the attorney general an unconditional right to intervene in a civil action in the district court upon notice that a party is challenging the constitutionality of a statute;
- ▶ provides that the Utah Supreme Court has exclusive and original appellate jurisdiction over a judgment or order from a panel of three district court judges;
- ▶ provides that the attorney general, the governor, or the Legislature may file a notice ~~{of statewide concern}~~ to convene a three-judge panel in a civil action in the district court;
- ▶ requires a panel of three district court judges to be convened to hear and decide a civil action upon the filing of a notice ~~{of statewide concern}~~ to convene a district court panel;
- ▶ requires each judge of a district court panel to be randomly selected and from a different judicial district than the other judges on the panel;
- ▶ addresses the structure and voting process for a district court panel;

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- 17 ▶ provides that the statutory venue requirements for a civil action do not apply to an action before a district court panel;
- 19 ▶ requires the Judicial Council to create a rule regarding the random selection process for a judge on a district court panel;
- 21 ▶ addresses staffing of a district court panel; and
- 22 ▶ 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:

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

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

33 ENACTS:

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

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

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

38 Section 1. Section **1** is enacted to read:

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).

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

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

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

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(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.

45 (3)

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

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

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

50 (iii) the discipline of a lawyer;

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

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

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

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

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

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

59 (A) an election or voting contest; or

60 (B) the establishment of boundaries of political districts for purposes of an election; ~~[-{f}] and]~~

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

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

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

67 (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:

70 (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

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

73 (4)

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

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

77 (A) the Public Service Commission;

78 (B) the State Tax Commission;

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

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

81 (E) the state engineer; or

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

84 (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);

86 (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;

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

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

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

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

96 (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.

98 (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).

100 (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.

111 Section 3. Section 3 is enacted to read:

112 78A-5-102.7. {Requirement of three-judge} Three-judge panel {for a case of statewide
concern} in the district court -- Requirements.

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- 113 (1) As used in this section:
- 114 (a) "Panel" means a panel of three district court judges that is convened under this section to hear and
decide an action.
- 106 (1){(b)}
- (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)
- (i) "State official" means an individual elected or appointed to a state office.
- 120 (ii) "State official" includes:
- 121 (A) a member of the Legislature;
- 122 (B) the governor;
- 123 (C) the lieutenant governor;
- 124 (D) the state auditor;
- 125 (E) the state treasurer; and
- 126 (F) the attorney general.
- 127 (2)
- (a) If ~~{the attorney general, the governor, or the Legislature determine that}~~ a civil action is brought
in the district court and a state entity, or a state official in the state official's capacity, is a ~~{matter~~
of statewide concern} party to the civil action, the attorney general, the governor, or the Legislature
may file a notice in the district court that a panel of three district court judges must be convened to
hear and decide the civil action.
- 111 (b) A ~~{determination}~~ notice to convene a panel under Subsection ~~{(1)(a)}~~ (2)(a):
- 112 (i) may not be challenged by ~~{a}~~ any party ~~{or the attorney general, the governor, or the Legislature}~~ ;
and
- 114 (ii) is not subject to judicial review.
- 134 (c)
- (i) The Legislature, a committee of the Legislature, or a member of the Legislature in the member's
capacity, must be a party to the civil action for the Legislature to file a notice under Subsection (2)
(a).
- 137 (ii) The governor, or a state official for the executive branch, must be a party to the civil action for the
governor to file a notice under Subsection (2)(a).

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- 115 (c){(iii)} The attorney general must be a party, ~~{the governor,}~~ or ~~{the Legislature is not required to be~~
116 ~~} representing a party ,~~ to ~~{a} the~~ civil action to file a notice under Subsection ~~{(1)(a)}~~ (2)(a).
- 141 (d) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a notice described in
this Subsection (2).
- 117 (2){(3)}
- (a) Upon the filing of a ~~{request} notice~~ under Subsection ~~{(1)}~~ (2), a panel of three district court
judges shall hear and decide, by majority decision, the civil action in accordance with this section.
- 120 (b) Each judge on a panel described in Subsection ~~{(2)(a)}~~ (3)(a) shall be:
- 121 (i) selected at random; and
- 122 (ii) from a different judicial district than the other judges on the panel.
- 123 (3){(4)}
- (a) The presiding officer of the Judicial Council shall select one ~~{district court} judge {from the}~~
assigned to a panel to be the chief judge of the panel.
- 125 (b) Except as provided in Subsection ~~{(3)(e)}~~ (4)(c), the chief judge shall conduct all proceedings in an
action before ~~{the}~~ a panel.
- 127 (c) ~~{The}~~ 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.
- 130 (d) A ~~{district court} judge~~ on a panel may concur or dissent from any decision for which the panel sits
en banc.
- 132 (4){(5)}
- (a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before ~~{the}~~ a panel.
- 134 (i){(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 {the} a panel.
- 136 (5){(6)}
- (a) Before March 7, 2026, the Judicial Council shall:
- 137 (i) by rule, create a process by which a district court judge is assigned to {the} 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
- 140 (ii) establish and maintain a list of judges who the Judicial Council determines are qualified to serve
on a {three-judge} panel.
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(b) The list established under Subsection ~~{(5)(a)}~~ (6)(a) shall consist of at least 50% of the district court judges from each district.

144 (c) The Judicial Council shall post the list described in Subsection ~~{(5)(b)}~~ (6)(a) on the ~~{Utah Courts'}~~
} website for the Utah state courts with information on the dates and number of times that a judge
has served on a panel.

147 (6)~~{(7)}~~ The Judicial Council shall hire a coordinator and staff to assist any panel ~~{that is}~~ convened
under this section.

149 ~~{(7) {This section applies to any civil action pending in the district court on and after the effective date
of this bill.}}~~

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.**

154 (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.

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

157 (a) an action brought in the Business and Chancery Court[-] ; or

158 (b) an action before a panel of judges in the district court under Section 78A-5-102.7.

167 Section 5. **Revisor instructions.**

The Legislature intends that Office of Legislative Research and General Counsel, in
preparing the Utah Code database for publication, replace the phrase "the effective date of this
bill" with the actual effective date of the bill.

183 Section 5. **Effective date.**

Effective Date.

This bill takes effect:

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

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

163 (a) upon approval by the governor;

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

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

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