

# SB0134S02 compared with SB0134

~~{Omitted text}~~ shows text that was in SB0134 but was omitted in SB0134S02

inserted text shows text that was not in SB0134 but was inserted into SB0134S02

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## ~~{Appellate}~~ Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor:

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### LONG TITLE

#### General Description:

This bill ~~{increases the number of appellate court judges}~~ amends statutory provisions related to judges and justices for Utah Courts.

#### Highlighted Provisions:

This bill:

- increases the number of Utah Supreme Court justices ~~{to seven; and}~~ ;
- increases the number of Utah Court of Appeals judges ~~{to nine.}~~ ;
- increases the number of Utah district court judges; and
- amends provisions on the recruitment period for a judicial vacancy.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

This bill provides a special effective date.

#### Utah Code Sections Affected:

AMENDS:

SB0134

## SB0134 compared with SB0134S02

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

**78A-3-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 10

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

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

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

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

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

The number of district court judges is:

- (1) four district court judges in the First Judicial District;
- (2) 14 district court judges in the Second Judicial District;
- (3) [32] 33 district court judges in the Third Judicial District;
- (4) [13] 14 district court judges in the Fourth Judicial District;
- (5) [seven] eight district court judges in the Fifth Judicial District;
- (6) two district court judges in the Sixth Judicial District;
- (7) three district court judges in the Seventh Judicial District; and
- (8) three district court judges in the Eighth Judicial District.

Section 2. Section **78A-3-101** is amended to read:

**78A-3-101. Number of justices -- Terms -- Chief justice and associate chief justice --**

**Selection and functions.**

- (1) The Supreme Court consists of [five] seven justices.
- (2)
  - (a) A justice of the Supreme Court is appointed initially to serve until the first general election held more than three years after the effective date of the appointment.
  - (b) After the first term of appointment under Subsection (2)(a), the term of office of a justice of the Supreme Court is 10 years and commences on the first Monday in January following the date of election.
- (3)
  - (a) Upon any vacancy in the office of chief justice, including expiration of a term of the office of chief justice, or upon a chief justice's death, removal, or resignation, the governor shall appoint a chief justice from among the members of the Supreme Court, with the advice and consent of the Senate.

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- 33 (b) Except as provided in Subsection (3)(c), the term of the office of chief justice is eight years.  
35 (c)
- (i) For a chief justice whose term of office began on April 1, 2024, the term of the office of the chief justice is four years.
- 37 (ii) The term of the office of chief justice expires on April 1, 2028, for any chief justice who is elected to serve by the justices of the Supreme Court before October 14, 2025.
- 40 (d) On and after October 14, 2025, a member of the Supreme Court may not serve as chief justice for more than one term.
- 42 (e) The chief justice may resign from the office of chief justice without resigning from the Supreme Court.
- 44 (f) The chief justice may be removed from the office of chief justice by a majority vote of all justices of the Supreme Court.
- 46 (g) The chief justice shall receive the sum of \$2,000 per annum as additional compensation for the period served as chief justice.
- 48 (4)
- (a) If a chief justice has not been appointed by the governor and confirmed by the Senate within 30 days of a vacancy in that office, the associate chief justice shall act as interim chief justice until a chief justice is appointed and confirmed under this section.
- 52 (b) If the associate chief justice is unable or unwilling to act as interim chief justice as described in Subsection (4)(a), the most senior justice shall act as interim chief justice until a chief justice is appointed and confirmed under this section.
- 55 (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief justice has duties as provided by law.
- 57 (6)
- (a) There is created the office of associate chief justice.
- 58 (b) The associate chief justice is elected by a majority vote of the members of the Supreme Court.
- 60 (c) The term of office of the associate chief justice is two years.
- 61 (d) The chief justice may:
- 62 (i) determine the allocated duties of the associate chief justice; and
- 63 (ii) delegate responsibilities to the associate chief justice as consistent with law.
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(e) If the chief justice is absent or otherwise unable to serve, the associate chief justice shall perform the duties of the office of the chief justice until the chief justice is no longer absent or unable to serve.

(f) The associate chief justice shall receive the sum of \$1,000 per annum for the period served as associate chief justice.

Section 3. Section **78A-4-102** is amended to read:

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

(1)

(a) The Court of Appeals consists of [seven] nine judges.

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

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

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

(2)

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

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

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

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

(3)

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

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

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

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

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

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(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.

(b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:

(i) administer the rotation and scheduling of panels;

(ii) act as liaison with the Supreme Court;

(iii) call and preside over the meetings of the Court of Appeals; and

(iv) carry out duties prescribed by the Supreme Court and the Judicial Council.

(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.

(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.

(6) Filing fees for the Court of Appeals are the same as for the Supreme Court.

### Section 4. Section 78A-10a-202 is amended to read:

#### **78A-10a-202. Time periods -- Recruitment period for judicial vacancy -- Convening a judicial nominating commission.**

(1)

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

(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;

(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;

(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

(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.

(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.

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- 138 (c) If the governor receives notice of a judicial vacancy on both the Supreme Court and the Court of  
Appeals within a 10-day period, the governor may delay the recruitment period for the judicial  
vacancy on the Court of Appeals so that the recruitment period begins within 10 days after the day  
on which the appointment for the judicial vacancy on the Supreme Court is made.
- 143 (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.
- 146 Section 5. **Effective date.**  
Effective Date.  
This bill takes effect:
- 108 (1) except as provided in Subsection (2), May 6, 2026; or  
109 (2) if approved by two-thirds of all members elected to each house:  
110 (a) upon approval by the governor;  
111 (b) without the governor's signature, the day following the constitutional time limit of Utah  
Constitution, Article VII, Section 8; or  
113 (c) in the case of a veto, the date of veto override.

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