

Brady Brammer proposes the following substitute bill:

Judicial Case Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill addresses issues related to cases in the judiciary.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses the ballot language for a retention election;
- ▶ addresses the transfer of an action from the district court to the Business and Chancery Court;
- ▶ addresses the assignment of district court judges to cases a municipality files, appeals, or transfers to the district court;
- ▶ modifies the requirements for a three-judge panel in the district court;
- ▶ modifies the publication requirements for a final decision or order from the Business and Chancery Court;
- ▶ amends the tentative decision requirements for the Business and Chancery Court;
- ▶ contingent on statutory provisions being held invalid or enjoined:
 - establishes the Constitutional Court (court);
 - addresses the postjudgment interest rate for judgments of the court;
 - addresses a retention election for a judge of the court;
 - adds a judge of the court to the definition of "public official" for Title 63G, Chapter 23, Property Donated to State by Public Official;
 - addresses salaries for judges of the court;
 - provides that the court is not geographically divided into districts;
 - provides that the court consists of three judges;
 - amends the membership of the Judicial Council to include a member from the court;
 - amends provisions regarding the administration of the courts to address the creation of

- 29 the court;
- 30 • addresses a judicial hiring freeze for judges of the court;
- 31 • amends the jurisdiction of the district court to allow a district court judge or Court of
- 32 Appeals judge to preside over an action of the court for purposes of disqualification
- 33 and recusal;
- 34 • provides that the court is a trial court with statewide jurisdiction;
- 35 • addresses the organization and status of the court;
- 36 • addresses the jurisdiction of the court;
- 37 • addresses the transfer of an action to the court;
- 38 • addresses the administration, staff, and management of the court;
- 39 • allows a district court judge or Court of Appeals judge to be appointed to the court
- 40 without vacating the judge's appointment to the district court or Court of Appeals;
- 41 • addresses the location and facilities of the court;
- 42 • addresses the selection process for judges of the court, including the creation of the
- 43 Constitutional Court Nominating Commission; and
- 44 • makes changes to provisions regarding judgments, mileage, and lis pendens to address
- 45 the creation of the court;
- 46 ▸ clarifies the right to appeal for an injunction of a state law; and
- 47 ▸ makes technical and conforming changes.

48 **Money Appropriated in this Bill:**

49 None

50 **Other Special Clauses:**

51 This bill provides a special effective date.

52 This bill provides revisor instructions.

53 **Utah Code Sections Affected:**

54 AMENDS:

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

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

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

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

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

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

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

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

63 **78A-2-108**, as last amended by Laws of Utah 2023, Chapter 394
64 **78A-2-110**, as last amended by Laws of Utah 2023, Chapter 394
65 **78A-2-113**, as last amended by Laws of Utah 2023, Chapter 394
66 **78A-2-301**, as last amended by Laws of Utah 2025, Chapter 291
67 **78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276
68 **78A-4-103**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3
69 **78A-5-102**, as last amended by Laws of Utah 2025, Chapter 426
70 **78A-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3
71 **78A-5-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3
72 **78A-5a-301**, as enacted by Laws of Utah 2023, Chapter 394
73 **78A-5a-302**, as enacted by Laws of Utah 2023, Chapter 394
74 **78A-10a-202**, as enacted by Laws of Utah 2023, Chapter 250
75 **78A-10a-203**, as enacted by Laws of Utah 2023, Chapter 250 and last amended by
76 Coordination Clause, Laws of Utah 2023, Chapter 250
77 **78A-11-102**, as last amended by Laws of Utah 2023, Chapter 394
78 **78B-3a-102**, as enacted by Laws of Utah 2023, Chapter 401
79 **78B-5-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17
80 **78B-5-206**, as last amended by Laws of Utah 2023, Chapter 401
81 **78B-5-1002**, as enacted by Laws of Utah 2025, Chapter 456
82 **78B-6-1303**, as last amended by Laws of Utah 2023, Chapter 401

ENACTS:

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

97 **78A-10a-602**, Utah Code Annotated 1953

98 **78A-10a-603**, Utah Code Annotated 1953

99 **78A-10a-604**, Utah Code Annotated 1953

100 **78A-10a-605**, Utah Code Annotated 1953

101 **78A-10a-606**, Utah Code Annotated 1953

102 **78A-10a-607**, Utah Code Annotated 1953

103 REPEALS AND REENACTS:

104 **78A-5-102.7**, Utah Code Annotated 1953

105 **Utah Code Sections Affected by Revisor Instructions:**

106 **78A-5-102.7**, Utah Code Annotated 1953

107

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

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

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

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

112 (a) "Court" means:

113 (i) the district court;

114 (ii) the justice court;

115 (iii) the Business and Chancery Court; or

116 (iv) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes
117 effect as described in Section 78A-5b-102.

118 (b) "Federal postjudgment interest rate" means the interest rate established for the
119 federal court system under 28 U.S.C. Sec. 1961, as amended.

120 (2)(a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful contract
121 shall conform to the contract and shall bear the interest agreed upon by the parties,
122 which shall be specified in the judgment.

123 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23, Check
124 Cashing and Deferred Deposit Lending Registration Act, shall bear interest at the rate
125 imposed under Subsection (3)(a) on an amount not exceeding the sum of:

126 (i) the total of the principal balance of the deferred deposit loan;

127 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period
128 not exceeding 10 weeks as provided in Subsection 7-23-401(4);

129 (iii) costs;

130 (iv) attorney fees; and

- 131 (v) other amounts allowed by law and ordered by the court.
- 132 (3)(a) Except as otherwise provided by law, or as governed by Subsection (4), all other
 133 final civil and criminal judgments of [~~the district court, the justice court, and the~~
 134 ~~Business and Chancery Court~~] a court shall bear interest at the federal postjudgment
 135 interest rate as of January 1 of each year, plus 2%.
- 136 (b) The [~~postjudgment interest rate~~] interest rate described in Subsection (3)(a) that is in
 137 effect at the time of the judgment shall remain the interest rate for the duration of the
 138 judgment.
- 139 (c) The interest on criminal judgments shall be calculated on the total amount of the
 140 judgment.
- 141 (d) Interest paid on state revenue shall be deposited in accordance with Section
 142 63A-3-505.
- 143 (e) Interest paid on revenue to a county or municipality shall be paid [~~to~~] into the general
 144 fund of the county or municipality.
- 145 (4) A judgment under \$10,000 in an action regarding the purchase of goods and services
 146 shall bear interest from the date on which the [~~district court, the justice court, or the~~
 147 ~~Business and Chancery Court~~] court enters the judgment at 10% plus the federal
 148 postjudgment interest rate in effect on January 1 of the year in which the judgment is
 149 entered.

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

151 **20A-12-201 . Judicial appointees -- Retention elections.**

- 152 (1)(a) Each judicial appointee to a court is subject to an unopposed retention election at
 153 the first general election held more than three years after the judge or justice was
 154 appointed.
- 155 (b) After the first retention election:
- 156 (i) each Supreme Court justice shall be on the regular general election ballot for an
 157 unopposed retention election every tenth year; and
- 158 (ii) each judge of other courts shall be on the regular general election ballot for an
 159 unopposed retention election every sixth year.
- 160 (2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the
 161 year the justice or judge is subject to a retention election:
- 162 (i) file a declaration of candidacy with the lieutenant governor, or with the county
 163 clerk in the candidate's county of residence, within the period beginning on July 1
 164 and ending at 5 p.m. on July 15 in the year of a regular general election; and

- 165 (ii) pay a filing fee of \$50.
- 166 (b)(i) Each justice court judge who wishes to retain office shall, in the year the justice
167 court judge is subject to a retention election:
- 168 (A) file a declaration of candidacy with the lieutenant governor, or with the county
169 clerk in the candidate's county of residence, within the period beginning on
170 July 1 and ending at 5 p.m. on July 15 in the year of a regular general election;
171 and
- 172 (B) pay a filing fee of \$25 for each judicial office.
- 173 (ii) If a justice court judge is appointed or elected to more than one judicial office, the
174 declaration of candidacy shall identify all of the courts included in the same
175 general election.
- 176 (iii) If a justice court judge is appointed or elected to more than one judicial office,
177 filing a declaration of candidacy in one county in which one of those courts is
178 located is valid for the courts in any other county.
- 179 (3)(a) The lieutenant governor shall, no later than August 31 of each regular general
180 election year:
- 181 (i) transmit a certified list containing the names of the justices of the Supreme Court,
182 judges of the Court of Appeals, ~~and~~ judges of the Business and Chancery Court,
183 and judges of the Constitutional Court if Title 78A, Chapter 5b, Constitutional
184 Court, takes effect as described in Section 78A-5b-102, declaring their candidacy
185 to the county clerk of each county; and
- 186 (ii) transmit a certified list containing the names of judges of other courts declaring
187 their candidacy to the county clerk of each county in the geographic division in
188 which the judge filing the declaration holds office.
- 189 (b) Each county clerk shall place the names of justices and judges standing for retention
190 election:
- 191 (i) in the nonpartisan section of the ballot; and
192 (ii) in accordance with Section 20A-6-109.
- 193 (4)(a) At the general election, the ballots shall contain:
- 194 (i) at the beginning of the judicial retention section of the ballot, the following statement:
195 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's
196 recommendations for each judge"; and
- 197 (ii) for each justice or judge standing for a retention election in the county, the
198 following question: "Shall [insert name of justice or judge] be retained in the

199 office of [insert name of office and the applicable court or jurisdiction]? Yes () or
 200 No ()."

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

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

209 Yes ()

210 No ()."]

211 (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102,
 212 the ballot question for the judge shall include the name of that court.

213 (5)(a) If the justice or judge receives more yes votes than no votes, the justice or judge is
 214 retained for the term of office provided by law.

215 (b) If the justice or judge does not receive more yes votes than no votes, the justice or
 216 judge is not retained, and a vacancy exists in the office on the first Monday in
 217 January after the regular general election.

218 (6) A justice or judge not retained is ineligible for appointment to the office for which the
 219 justice or judge was defeated until after the expiration of that term of office.

220 (7)(a) If a justice court judge is standing for retention for one or more judicial offices in
 221 a county in which the judge is a county justice court judge or a municipal justice
 222 court judge in a town or municipality of the fourth or fifth class, as described in
 223 Section 10-2-301, or any combination thereof, the election officer shall place the
 224 judge's name on the county ballot only once for all judicial offices for which the
 225 judge seeks to be retained.

226 (b) If a justice court judge is standing for retention for one or more judicial offices in a
 227 municipality of the first, second, or third class, as described in Section 10-2-301, the
 228 election officer shall place the judge's name only on the municipal ballot for the
 229 voters of the municipality that the judge serves.

230 Section 3. Section **63G-23-102** is amended to read:

231 **63G-23-102 . Definitions.**

232 As used in this chapter:

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

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

236 (a) the Utah Supreme Court;

237 (b) the Utah Court of Appeals;

238 (c) a district court;

239 (d) a juvenile court; [or]

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

241 (f) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect
242 as described in Section 78A-5b-102.

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

245 Section 4. Section **67-8-2** is amended to read:

246 **67-8-2 . Salaries of judges established annually in appropriations act -- Bases of**
247 **salaries -- Additional compensation.**

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

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

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

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

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

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

256 (1) The Legislature shall set annually, in an appropriations act, the salaries of judges of a
257 court of record described in Section 78A-1-101.

258 (2) Except as provided in Subsection (3), a judicial salary for a judge of a court of record
259 shall be based on the following percentage of the salary for a district court judge:

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

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

262 (c) 105% for a Constitutional Court judge if Title 78A, Chapter 5b, Constitutional Court,
263 takes effect as described in Section 78A-5b-102;

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

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

266 (3)(a) If a district court judge is a Constitutional Court judge, the judge's salary for the

- 267 Constitutional Court is 5% of the salary for a district court judge during the time
 268 period in which the judge remains a district court judge.
 269 (b) If a Court of Appeals judge is a Constitutional Court judge, the judge's salary for the
 270 Constitutional Court is 5% of the salary for a district court judge during the time
 271 period in which the judge remains a Court of Appeals judge.
 272 (c) Except as provided in this Subsection (3), a judge of a court of record may not collect
 273 a salary for more than one court of record.

274 [~~3~~] (4)(a) A salary described in Subsection (2) does not include additional
 275 compensation provided for a presiding judge or associate presiding judge under:

- 276 (i) Section 78A-3-101;
 277 (ii) Section 78A-4-102;
 278 (iii) Section 78A-5-106;
 279 (iv) Section 78A-5a-202;
 280 (v) Section 78A-5b-203; or
 281 [~~v~~] (vi) Section 78A-6-203.

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

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

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

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

- 287 (a) the Supreme Court;
 288 (b) the Court of Appeals;
 289 (c) the Business and Chancery Court;
 290 (d) the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described
 291 in Section 78A-5b-102;
 292 [~~d~~] (e) the district courts;
 293 [~~e~~] (f) the juvenile courts; and
 294 [~~f~~] (g) the justice courts.

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

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

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

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

- 299 (a) First Judicial District, which includes Box Elder, Cache, and Rich Counties;
 300 (b) Second Judicial District, which includes Weber, Davis, and Morgan Counties;

- 301 (c) Third Judicial District, which includes Salt Lake, Summit, and Tooele Counties;
 302 (d) Fourth Judicial District, which includes Utah, Wasatch, Juab, and Millard Counties;
 303 (e) Fifth Judicial District, which includes Beaver, Iron, and Washington Counties;
 304 (f) Sixth Judicial District, which includes Garfield, Kane, Piute, Sanpete, Sevier, and
 305 Wayne Counties;
 306 (g) Seventh Judicial District, which includes Carbon, Emery, Grand, and San Juan
 307 Counties; and
 308 (h) Eighth Judicial District, which includes Daggett, Duchesne, and Uintah Counties.

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

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

312 Section 7. Section **78A-1-103.7** is enacted to read:

313 **78A-1-103.7 . Number of Constitutional Court judges.**

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

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

317 **78A-2-104 . Judicial Council -- Creation -- Members -- Terms and election --**
 318 **Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.**

319 (1) The Judicial Council is composed of:

- 320 (a) the chief justice of the Supreme Court;
 321 (b) one member elected by the justices of the Supreme Court;
 322 (c) one member elected by the judges of the Court of Appeals;
 323 (d) one member elected by the judges of the Business and Chancery Court;
 324 (e) one member elected by the judges of the Constitutional Court if Chapter 5b,
 325 Constitutional Court, takes effect as described in Section 78A-5b-102;
 326 [~~e~~] (f) six members elected by the judges of the district courts;
 327 [~~f~~] (g) three members elected by the judges of the juvenile courts;
 328 [~~g~~] (h) three members elected by the justice court judges; and
 329 [~~h~~] (i) a member or ex officio member of the Board of Commissioners of the Utah State
 330 Bar who is an active member of the Utah State Bar in good standing at the time of
 331 election by the Board of Commissioners.

332 (2) The Judicial Council shall have a seal.

333 (3)(a) The chief justice of the Supreme Court shall act as presiding officer of the Judicial
 334 Council and chief administrative officer for the courts.

- 335 (b) The chief justice shall vote only in the case of a tie.
- 336 (4)(a) All members of the Judicial Council shall serve for three-year terms.
- 337 (b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete
- 338 a term of office, the appropriate constituent group shall elect a member to complete
- 339 the term of office.
- 340 (c) In courts having more than one member, the members shall be elected to staggered
- 341 terms.
- 342 (d) The individual elected by the Board of Commissioners under Subsection [~~(+)(h)~~] (1)(i)
- 343 may complete a three-year term of office on the Judicial Council even though the
- 344 individual ceases to be a member or ex officio member of the Board of
- 345 Commissioners.
- 346 (e) The individual elected by the Board of Commissioners under Subsection [~~(+)(h)~~] (1)(i)
- 347 shall be an active member of the Utah State Bar in good standing for the entire term
- 348 of the Judicial Council.
- 349 (f) Elections are held under rules made by the Judicial Council.
- 350 (5)(a) The Judicial Council is responsible for the development of uniform administrative
- 351 policy for the courts throughout the state.
- 352 (b) The presiding officer of the Judicial Council is responsible for the implementation of
- 353 the policies developed by the Judicial Council and for the general management of the
- 354 courts, with the aid of the state court administrator.
- 355 (c) The Judicial Council has authority and responsibility to:
- 356 (i) establish and assure compliance with policies for the operation of the courts,
- 357 including uniform rules and forms; and
- 358 (ii) publish and submit to the governor, the chief justice of the Supreme Court, and
- 359 the Legislature an annual report of the operations of the courts, which shall
- 360 include financial and statistical data and may include suggestions and
- 361 recommendations for legislation.
- 362 (6) The Judicial Council shall establish standards for the operation of the courts of the state,
- 363 including facilities, court security, support services, and staff levels for judicial and
- 364 support personnel.
- 365 (7) The Judicial Council shall by rule:
- 366 (a) establish the time and manner for destroying court records, including computer
- 367 records; and
- 368 (b) establish retention periods for court records.

- 369 (8)(a) Consistent with the requirements of judicial office and security policies, the
370 Judicial Council shall establish procedures to govern the assignment of state vehicles
371 to public officers of the judicial branch.
- 372 (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may
373 be assigned for unlimited use, within the state only.
- 374 (9)(a) The Judicial Council shall:
- 375 (i) advise judicial officers and employees concerning ethical issues; and
376 (ii) establish procedures for issuing informal and formal advisory opinions on ethical
377 issues.
- 378 (b) Compliance with an informal opinion is evidence of good faith compliance with the
379 Code of Judicial Conduct.
- 380 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- 381 (10)(a) The Judicial Council shall establish written procedures authorizing the presiding
382 officer of the Judicial Council to appoint judges of courts of record by special or
383 general assignment to serve temporarily in another level of court in a specific court or
384 generally within that level.
- 385 (b) The appointment under Subsection (10)(a) shall be:
- 386 (i) for a specific period of time; and
387 (ii) reported to the Judicial Council.
- 388 (c) The Judicial Council shall develop the procedures described in this Subsection (10)
389 in accordance with Subsection 78A-2-107(2) regarding the temporary appointment of
390 judges.
- 391 (11)(a) The Judicial Council may by rule designate municipalities in addition to those
392 designated by statute as a location of a trial court of record.
- 393 (b) There shall be at least one court clerk's office open during regular court hours in each
394 county.
- 395 (c) Any trial court of record may hold court in any municipality designated as a location
396 of a court of record.
- 397 (12) The Judicial Council shall by rule determine whether the administration of a court is
398 the obligation of the Administrative Office of the Courts or whether the Administrative
399 Office of the Courts should contract with local government for court support services.
- 400 (13) The Judicial Council may by rule direct that a district court location be administered
401 from another court location within the county.
- 402 (14)(a) The Judicial Council shall:

- 403 (i) establish the Office of Guardian Ad Litem in accordance with [~~Title 78A, Chapter~~
 404 ~~2, Part 8, Guardian Ad Litem~~] Chapter 2, Part 8, Guardian Ad Litem; and
 405 (ii) establish and supervise a Guardian Ad Litem Oversight Committee.
- 406 (b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii)
 407 shall oversee the Office of Guardian Ad Litem, established under Subsection
 408 (14)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and
 409 federal law, regulation, policy, and court rules.

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

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

416 **78A-2-107 . Court administrator -- Powers, duties, and responsibilities.**

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

- 419 (1) the state court administrator shall:
- 420 (a) organize and administer all of the nonjudicial activities of the courts;
- 421 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- 422 (c) implement the standards, policies, and rules established by the Judicial Council;
- 423 (d) formulate and administer a system of personnel administration, including in-service
 424 training programs;
- 425 (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement
 426 activities for the operation of the courts of record;
- 427 (f) assist justice courts in budgetary, fiscal, and accounting procedures;
- 428 (g) conduct studies of the business of the courts, including the preparation of
 429 recommendations and reports relating to the studies;
- 430 (h) develop uniform procedures for the management of court business, including the
 431 management of court calendars;
- 432 (i) maintain liaison with the governmental and other public and private groups having an
 433 interest in the administration of the courts;
- 434 (j) establish uniform policy concerning vacations and sick leave for judges and
 435 nonjudicial officers of the courts;
- 436 (k) establish uniform hours for court sessions throughout the state;

- 437 (l) when necessary for administrative reasons, change the county for trial of any case if
 438 no party to the litigation files timely objections to this change;
- 439 (m)(i) organize and administer a program of continuing education for judges and
 440 support staff, including training for justice court judges; and
- 441 (ii) ensure that any training or continuing education described in Subsection (1)(m)(i)
 442 complies with Title 63G, Chapter 22, State Training and Certification
 443 Requirements;
- 444 (n) provide for an annual meeting for each level of the courts of record and the annual
 445 judicial conference; and
- 446 (o) perform other duties as assigned by the presiding officer of the Judicial Council; and
- 447 (2) with the consent of the presiding officer of the Judicial Council, the state court
 448 administrator may:
- 449 (a) call and appoint a justice or judge of a court of record to serve temporarily as a judge
 450 of the Court of Appeals, the Business and Chancery Court, a district court, or a
 451 juvenile court; and
- 452 (b) set reasonable compensation for the service of a justice or judge under Subsection
 453 (2)(a).

454 Section 10. Section **78A-2-108** is amended to read:

455 **78A-2-108 . Assistants for state court administrator -- Appointment of trial court**
 456 **executives.**

- 457 (1) The state court administrator, with the approval of the presiding officer of the Judicial
 458 Council, is responsible for the establishment of positions and salaries of assistants as
 459 necessary to enable the state court administrator to perform the powers and duties vested
 460 in the state court administrator by this chapter, including the positions of appellate court
 461 administrator, business and chancery court administrator, district court administrator,
 462 juvenile court administrator, and justice court administrator.
- 463 (2) The state court administrator shall appoint an appellate court administrator, a business
 464 and chancery court administrator, a district court administrator, a juvenile court
 465 administrator, and a justice court administrator with the concurrence of the respective
 466 boards as established by the Judicial Council.
- 467 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, the
 468 state court administrator shall, with the approval of the presiding officer of the Judicial
 469 Council, establish a salary and position for a constitutional court administrator.
- 470 [~~3~~] (4)(a) The district court administrator, with the concurrence of the presiding judge

471 of a district or the district court judge in single judge districts, may appoint a trial
472 court executive in each district.

473 (b) The trial court executive may appoint, subject to budget limitations, necessary
474 support personnel including clerks, research clerks, secretaries, and other persons
475 required to carry out the work of the court.

476 (c) The trial court executive shall supervise the work of all nonjudicial court staff and
477 serve as administrative officer of the district.

478 [~~(4)~~] (5) Administrators and assistants appointed under this section are known collectively
479 as the Administrative Office of the Courts.

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

481 **78A-2-110 . Databases for judicial boards.**

482 (1) As used in this section, "judicial board" means any judicial branch board, commission,
483 council, committee, working group, task force, study group, advisory group, or other
484 body with a defined limited membership that is created to operate for more than six
485 months by:

486 (a) the constitution;

487 (b) statute;

488 (c) judicial order;

489 (d) any justice or judge;

490 (e) the Judicial Council;

491 (f) the state court administrator[~~;~~] ;

492 (g) a district court administrator[~~;~~] ;

493 (h) a trial court executive[~~;~~ or] ;

494 (i) a business and chancery court administrator;

495 (j) a constitutional court administrator if Chapter 5b, Constitutional Court, takes effect as
496 described in Section 78A-5b-102; or

497 [~~(g)~~] (k) any clerk or administrator in the judicial branch of state government.

498 (2) The Judicial Council shall designate an individual from the Judicial Council's staff to
499 maintain a computerized database containing information about all judicial boards.

500 (3) The individual designated to maintain the database shall:

501 (a) ensure that the database contains:

502 (i) the name of the judicial board;

503 (ii) the statutory or constitutional authority for the creation of the judicial board;

504 (iii) the court or other judicial entity under whose jurisdiction the judicial board

- 505 operates or with which the judicial board is affiliated, if any;
- 506 (iv) the name, address, gender, telephone number, and county of each individual
507 currently serving on the judicial board, along with a notation of all vacant or
508 unfilled positions;
- 509 (v) the title of the position held by the individual who appointed each member of the
510 judicial board;
- 511 (vi) the length of the term to which each member of the judicial board was appointed
512 and the month and year that each judicial board member's term expires;
- 513 (vii) the organization, interest group, profession, local government entity, or
514 geographic area that the member of the judicial board represents, if any;
- 515 (viii) whether or not the judicial board allocates state or federal funds and the amount
516 of those funds allocated during the last fiscal year;
- 517 (ix) whether the judicial board is a policy board or an advisory board;
- 518 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 519 (xi) any compensation and expense reimbursement that members of the executive
520 board are authorized to receive;
- 521 (b) make the information contained in the database available to the public upon request;
- 522 (c) cooperate with other entities of state government to publish the data or useful
523 summaries of the data;
- 524 (d) prepare, publish, and distribute an annual report by April 1 of each year that
525 includes, as of March 1 of that year:
- 526 (i) the total number of judicial boards;
- 527 (ii) the name of each of those judicial boards and the court, council, administrator,
528 executive, or clerk under whose jurisdiction the executive board operates or with
529 which the judicial board is affiliated, if any;
- 530 (iii) for each court, council, administrator, executive, or clerk, the total number of
531 judicial boards under the jurisdiction of or affiliated with that court, council,
532 administrator, executive, or clerk;
- 533 (iv) the total number of members for each of those judicial boards;
- 534 (v) whether each board is a policymaking board or an advisory board and the total
535 number of policy boards and the total number of advisory boards; and
- 536 (vi) the compensation, if any, paid to the members of each of those judicial boards;
537 and
- 538 (e) distribute copies of the report described in Subsection (3)(d) to:

- 539 (i) the chief justice of the Utah Supreme Court;
 540 (ii) the state court administrator;
 541 (iii) the governor;
 542 (iv) the president of the Utah Senate;
 543 (v) the speaker of the Utah House;
 544 (vi) the Office of Legislative Research and General Counsel; and
 545 (vii) any other persons who request a copy of the annual report.

546 Section 12. Section **78A-2-113** is amended to read:

547 **78A-2-113 . Judicial hiring freeze authorized.**

- 548 (1) As used in this section, "General Fund budget deficit" means a situation where General
 549 Fund appropriations made by the Legislature for a fiscal year exceed the estimated
 550 revenues adopted by the Executive Appropriations Committee of the Legislature for the
 551 General Fund in that fiscal year.
- 552 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of
 553 the House of Representatives, and chief justice of the Supreme Court, may, by
 554 unanimous vote, implement a judicial hiring freeze for judicial vacancies for:
 555 (a) a juvenile court district with three or more juvenile court judges;
 556 (b) a district court district with three or more district court judges;
 557 (c) all Business and Chancery Court judges;
 558 (d) all Constitutional Court judges if Chapter 5b, Constitutional Court, takes effect as
 559 described in Section 78A-5b-102;
 560 [~~(d)~~] (e) all appellate court judges; or
 561 [~~(e)~~] (f) any combination of Subsections (2)(a) through [~~(d)~~] (e).
- 562 (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker
 563 of the House, and chief justice of the Supreme Court shall:
 564 (a) establish the length of that hiring freeze; and
 565 (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of
 566 the annual general session of the Legislature.
- 567 Section 13. Section **78A-2-301** is amended to read:
- 568 **78A-2-301 . Civil fees of the courts of record -- Courts complex design.**
- 569 (1)(a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
 570 court of record not governed by another subsection is \$375.
- 571 (b) The fee for filing a complaint or petition is:
 572 (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,

- 573 interest, and attorney fees is \$2,000 or less;
- 574 (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,
575 interest, and attorney fees is greater than \$2,000 and less than \$10,000;
- 576 (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;
- 577 (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an
578 action described in Title 81, Chapter 4, Dissolution of Marriage;
- 579 (v) \$35 for a petition for temporary separation described in Section 81-4-104;
- 580 (vi) \$125 if the petition is for removal from the Sex, Kidnap, and Child Abuse
581 Offender Registry under Section 53-29-204, 53-29-205, or 53-29-206; and
- 582 (vii) \$35 if the petition is for guardianship and the prospective ward is the biological
583 or adoptive child of the petitioner.
- 584 (c) The fee for filing a small claims affidavit is:
- 585 (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,
586 interest, and attorney fees is \$2,000 or less;
- 587 (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,
588 interest, and attorney fees is greater than \$2,000, but less than \$7,500; and
- 589 (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,
590 interest, and attorney fees is \$7,500 or more.
- 591 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party
592 complaint, or other claim for relief against an existing or joined party other than the
593 original complaint or petition is:
- 594 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is
595 \$2,000 or less;
- 596 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is
597 greater than \$2,000 and less than \$10,000;
- 598 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is
599 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 600 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4,
601 Dissolution of Marriage.
- 602 (e) The fee for filing a small claims counter affidavit is:
- 603 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is
604 \$2,000 or less;
- 605 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is
606 greater than \$2,000, but less than \$7,500; and

- 607 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is
608 \$7,500 or more.
- 609 (f) The fee for depositing funds under Section 57-1-29 when not associated with an
610 action already before the court is determined under Subsection (1)(b) based on the
611 amount deposited.
- 612 (g) The fee for filing a petition is:
- 613 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims
614 department; and
- 615 (ii) \$80 for an appeal of a municipal administrative determination in accordance with
616 Section 10-3-703.7.
- 617 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or
618 petition for writ of certiorari is \$240.
- 619 (i) The fee for filing a petition for expungement is \$150.
- 620 (j)(i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be
621 allocated to and between the Judges' Contributory Retirement Trust Fund and the
622 Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter
623 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges'
624 Noncontributory Retirement Act.
- 625 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be
626 allocated by the state treasurer to be deposited into the restricted account,
627 Children's Legal Defense Account, as provided in Section 51-9-408.
- 628 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),
629 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account
630 as provided in Section 78B-6-209.
- 631 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),
632 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state
633 treasurer to be deposited into the restricted account, Court Security Account, as
634 provided in Section 78A-2-602.
- 635 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)
636 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the
637 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 638 (k) The fee for filing a judgment, order, or decree of a court of another state or of the
639 United States is \$35.
- 640 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is

- 641 50% of the fee for filing an original action seeking the same relief.
- 642 (m) The fee for filing probate or child custody documents from another state is \$35.
- 643 (n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the
644 State Tax Commission is \$30.
- 645 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this
646 state or a judgment, order, or decree of an administrative agency, commission,
647 board, council, or hearing officer of this state or of its political subdivisions other
648 than the State Tax Commission, is \$50.
- 649 (o) The fee for filing a judgment by confession without action under Section 78B-5-205
650 is \$35.
- 651 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation
652 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an
653 action before the court is \$35.
- 654 (q) The fee for filing a petition or counter-petition to modify a domestic relations order
655 other than a protective order or stalking injunction is \$100.
- 656 (r) The fee for filing any accounting required by law is:
- 657 (i) \$15 for an estate valued at \$50,000 or less;
- 658 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 659 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 660 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 661 (v) \$175 for an estate valued at more than \$168,000.
- 662 (s) The fee for filing a demand for a civil jury is \$250.
- 663 (t) The fee for filing a notice of deposition in this state concerning an action pending in
664 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 665 (u) The fee for filing documents that require judicial approval but are not part of an
666 action before the court is \$35.
- 667 (v) The fee for a petition to open a sealed record is \$35.
- 668 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
669 addition to any fee for a complaint or petition.
- 670 (x)(i) The fee for a petition for authorization for a minor to marry required by Section
671 81-2-304 is \$5.
- 672 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,
673 Emancipation, is \$50.
- 674 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.

675 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.

676 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per
677 page.

678 (bb) The fee for filing a notice to convene a three-judge panel described in Section
679 78A-5-102.7 is \$1,500.

680 ~~[(bb)]~~ (cc) The Judicial Council shall, by rule, establish a schedule of fees for copies of
681 documents and forms and for the search and retrieval of records under Title 63G,
682 Chapter 2, Government Records Access and Management Act.[-] Fees under
683 Subsection ~~[(1)(bb) and (ee)]~~ (1)(cc) and (dd) shall be credited to the court as a
684 reimbursement of expenditures.

685 ~~[(ee)]~~ (dd) The Judicial Council may, by rule, establish a reasonable fee to allow
686 members of the public to conduct a limited amount of searches on the Xchange
687 database without having to pay a monthly subscription fee.

688 ~~[(dd)]~~ (ee) There is no fee for services or the filing of documents not listed in this section
689 or otherwise provided by law.

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

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

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

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

- 709 (B) If the Legislature approves funding for construction of a courts complex in
710 Salt Lake City in the 1995 Annual General Session, the Division of Facilities
711 Construction and Management shall use the revenue deposited into the Capital
712 Projects Fund under this Subsection (2)(a)(ii) to construct a courts complex in
713 Salt Lake City.
- 714 (C) After the courts complex is completed and all bills connected with its
715 construction have been paid, the Division of Facilities Construction and
716 Management shall use any money remaining in the Capital Projects Fund under
717 this Subsection (2)(a)(ii) to fund the Vernal District Court building.
- 718 (iii) The Division of Facilities Construction and Management may enter into
719 agreements and make expenditures related to this project before the receipt of
720 revenues provided for under this Subsection (2)(a)(iii).
- 721 (iv) The Division of Facilities Construction and Management shall:
- 722 (A) make those expenditures from unexpended and unencumbered building funds
723 already appropriated to the Capital Projects Fund; and
- 724 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for
725 under this Subsection (2).
- 726 (b) After June 30, 1998, the state court administrator shall ensure that all revenues
727 representing the difference between the fees in effect after May 2, 1994, and the fees
728 in effect before February 1, 1994, are transferred to the Division of Finance for
729 deposit in the restricted account.
- 730 (c) The Division of Finance shall deposit all revenues received from the state court
731 administrator into the restricted account created by this section.
- 732 (d)(i) From May 1, 1995, until June 30, 1998, the state court administrator shall
733 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title
734 41, Motor Vehicles, in a court of record to the Division of Facilities Construction
735 and Management Capital Projects Fund. The division of money pursuant to
736 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture
737 paid.
- 738 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer
739 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor
740 Vehicles, in a court of record to the Division of Finance for deposit in the
741 restricted account created by this section. The division of money pursuant to
742 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture

743 paid.

744 (3)(a) There is created within the General Fund a restricted account known as the State
745 Courts Complex Account.

746 (b) The Legislature may appropriate money from the restricted account to the state court
747 administrator for the following purposes only:

748 (i) to repay costs associated with the construction of the court complex that were
749 funded from sources other than revenues provided for under this Subsection

750 (3)(b)(i); and

751 (ii) to cover operations and maintenance costs on the court complex.

752 Section 14. Section **78A-4-102** is amended to read:

753 **78A-4-102 . Number of judges -- Terms -- Presiding judge -- Associate presiding**
754 **judge -- Filing fees.**

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

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

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

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

763 (e) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,
764 and a judge of the Court of Appeals is appointed to the Constitutional Court and does
765 not vacate the judge's appointment to the Court of Appeals as described in Section
766 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's
767 term of office described in this Subsection (1) for the judge's appointment to the
768 Court of Appeals.

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

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

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

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

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

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

- 777 (c) A presiding judge of the Court of Appeals may serve in that office no more than two
778 successive terms.
- 779 (d) The Court of Appeals may by rule provide for an acting presiding judge to serve in
780 the absence or incapacity of the presiding judge.
- 781 (e) The presiding judge of the Court of Appeals shall receive \$2,000 per annum of
782 additional compensation for the period served as presiding judge.
- 783 (4)(a) The presiding judge may be removed from the office of presiding judge by
784 majority vote of all judges of the Court of Appeals.
- 785 (b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:
786 (i) administer the rotation and scheduling of panels;
787 (ii) act as liaison with the Supreme Court;
788 (iii) call and preside over the meetings of the Court of Appeals; and
789 (iv) carry out duties prescribed by the Supreme Court and the Judicial Council.
- 790 (5)(a) The judges of the Court of Appeals shall elect an associate presiding judge from
791 among the members of the court by majority vote of all judges.
- 792 (b) The associate presiding judge of the Court of Appeals shall receive \$1,000 per
793 annum as additional compensation for the period served as associate presiding judge.
- 794 (6) Filing fees for the Court of Appeals are the same as for the Supreme Court.
- 795 Section 15. Section **78A-4-103** is amended to read:
796 **78A-4-103 . Jurisdiction of Court of Appeals.**
- 797 (1) As used in this section, "adjudicative proceeding" does not include a proceeding under
798 Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section
799 63G-2-404.
- 800 (2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all
801 writs and process necessary:
802 (a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or
803 (b) in aid of the jurisdiction of the Court of Appeals.
- 804 (3) The Court of Appeals has original appellate jurisdiction, including original appellate
805 jurisdiction of an interlocutory appeal, over:
806 (a)(i) except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as
807 described in Section 63G-4-403, originating from:
808 (A) a formal adjudicative proceeding of a state agency;
809 (B) a special adjudicative proceeding, as described in Section 19-1-301.5; or
810 (C) a hearing before a local school board or the State Board of Education as

- 811 described in Section 53G-11-515; or
- 812 (ii) except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district
813 court review of an informal adjudicative proceeding of an agency;
- 814 (b) appeals from the district court review of:
- 815 (i) adjudicative proceedings of agencies of political subdivisions of the state or other
816 local agencies; and
- 817 (ii) a challenge to agency action under Section 63G-3-602;
- 818 (c) appeals from the juvenile courts;
- 819 (d) interlocutory appeals from any court of record in criminal cases, except those
820 involving a charge of a first degree or capital felony;
- 821 (e) appeals from a court of record in criminal cases, except those involving a conviction
822 or charge of a first degree felony or capital felony;
- 823 (f) appeals from orders on petitions for extraordinary writs sought by persons who are
824 incarcerated or serving any other criminal sentence, except for petitions constituting a
825 challenge to a conviction of or the sentence for a first degree or capital felony;
- 826 (g) appeals from the orders on petitions for extraordinary writs challenging the decisions
827 of the Board of Pardons and Parole except in cases involving a first degree or capital
828 felony;
- 829 (h) appeals from district court involving domestic relations cases, including, but not
830 limited to, divorce, annulment, property division, child custody, support, parent-time,
831 visitation, adoption, and paternity;
- 832 (i) appeals from the Utah Military Court; and
- 833 (j) cases transferred to the Court of Appeals from the Supreme Court.
- 834 (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an
835 injunctive order described in Section 78B-5-1002.
- 836 (5) Notwithstanding Subsection (3), the Court of Appeals upon its own motion only and by
837 the vote of four judges of the court may certify to the Supreme Court for original
838 appellate review and determination any matter over which the Court of Appeals has
839 original appellate jurisdiction.
- 840 (6) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4,
841 Administrative Procedures Act, in the Court of Appeals's review of an agency
842 adjudicative proceeding.
- 843 (7) A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:
844 (a) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;

- 845 (b) the Court of Appeals judge is designated by the presiding officer of the Judicial
 846 Council to sit as a member of a panel as described in Section 78A-5a-202; and
 847 (c) a Constitutional Court judge is unable to sit on the panel due to recusal or
 848 disqualification.

849 Section 16. Section **78A-5-102** is amended to read:

850 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

- 851 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court
 852 has original jurisdiction in all matters civil and criminal.
- 853 (2) A district court judge may:
- 854 (a) issue all extraordinary writs and other writs necessary to carry into effect the district
 855 court judge's [-]orders, judgments, and decrees; [~~and~~]
- 856 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
 857 (i) the district court judge is designated by the presiding officer of the Judicial
 858 Council to preside over an action in the Business and Chancery Court as described
 859 in Section 78A-1-103.5; and
 860 (ii) a Business and Chancery Court judge is unable to preside over the action due to
 861 recusal or disqualification[-] ; and
- 862 (c) sit as a member of a panel for the Constitutional Court if:
 863 (i) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;
 864 (ii) the district court judge is designated by the presiding officer of the Judicial
 865 Council to sit as a member of a panel as described in Section 78A-5a-202; and
 866 (iii) a Constitutional Court judge is unable to sit on the panel due to recusal or
 867 disqualification.
- 868 (3) The district court has jurisdiction:
- 869 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
 870 (b) over all matters properly filed in the circuit court [~~prior to~~] before July 1, 1996;
 871 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
 872 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
 873 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
 874 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption
 875 proceeding; and
 876 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
 877 Declaratory Judgments.
- 878 (4) The district court has appellate jurisdiction over judgments and orders of the justice

- 879 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
880 with Section 78A-8-106.
- 881 (5) The district court has jurisdiction to review:
- 882 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 883 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
884 Commission as described in Section 59-1-601;
- 885 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
886 informal adjudicative proceeding as described in Title 63G, Chapter 4,
887 Administrative Procedures Act; and
- 888 (d) by trial de novo, a final order of the Department of Transportation resulting from
889 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
890 Junkyard Control Act.
- 891 (6) The district court has original and exclusive jurisdiction over an action brought under
892 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 893 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
894 custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 895 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
896 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
897 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 898 (a) there is no justice court with territorial jurisdiction;
- 899 (b) the offense occurred within the boundaries of the municipality in which the district
900 courthouse is located and that municipality has not formed, or has formed and
901 dissolved, a justice court; or
- 902 (c) the offense is included in an indictment or information covering a single criminal
903 episode alleging the commission of a felony or a class A misdemeanor by an
904 individual who is 18 years old or older.
- 905 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the
906 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
907 the offense is committed by an individual who is 16 or 17 years old.
- 908 (10) The district court has subject matter jurisdiction over an action under Title 78B,
909 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
910 district court.
- 911 (11)(a) The district court has subject matter jurisdiction over a criminal action that the
912 justice court transfers to the district court.

913 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction
 914 over any refiled case of a criminal action transferred to the district court if the district
 915 court dismissed the transferred case without prejudice.

916 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)
 917 over a parentage action filed in the district court, the district court may transfer
 918 jurisdiction over the parentage action to the juvenile court.

919 (13) The district court shall transfer an action to the Business and Chancery Court if:

920 (a) the district court determines transfer is required or appropriate under Utah Rules of
 921 Civil Procedure, Rule 42; and

922 (b) the action meets the jurisdictional requirements of the Business and Chancery Court.

923 [~~13~~] (14) The Supreme Court and Court of Appeals have jurisdiction over an appeal from
 924 a final order, judgment, and decree of the district court as described in Sections
 925 78A-3-102 and 78A-4-103.

926 *The following section is affected by a revisor instruction at the end of this bill.*

927 Section 17. Section **78A-5-102.7** is repealed and reenacted to read:

928 **78A-5-102.7 . Three-judge panel in the district court -- Requirements.**

929 (1) As used in this section:

930 (a) "Panel" means a panel of three district court judges that is convened under this
 931 section to hear and decide an action.

932 (b)(i) "State entity" means the state or any agency, department, board, or commission
 933 of the state.

934 (ii) "State entity" includes the Legislature and any committee of the Legislature.

935 (c) "State official" means:

936 (i) a member of the Legislature;

937 (ii) the governor;

938 (iii) the lieutenant governor;

939 (iv) a member of the governor's cabinet;

940 (v) the state auditor;

941 (vi) the state treasurer; or

942 (vii) the attorney general.

943 (2)(a) A party to a civil action may file a notice in the district court that a panel of three
 944 district court judges shall be convened to hear and decide the civil action if the civil
 945 action:

946 (i) is challenging the constitutionality of a state statute or legislation, a provision of

- 947 the Utah Constitution, an action or inaction of the Legislature, an executive order,
948 an administrative rule, or an inaction by the executive branch;
- 949 (ii) is seeking a declaratory judgment or injunctive relief; and
950 (iii) is brought against a state entity or a state official in the state official's capacity.
- 951 (b) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a
952 notice described in this Subsection (2).
- 953 (c) A notice to convene a panel that was filed before the effective date of this bill and
954 met the requirements of this section and Utah Rules of Civil Procedure, Rule 42, at
955 the time the notice was filed is valid.
- 956 (3)(a) Upon the filing of a notice under Subsection (2), a panel of three district court
957 judges shall hear and decide, by majority decision, the civil action in accordance with
958 this section.
- 959 (b) Each judge on a panel described in Subsection (3)(a) shall be:
960 (i) selected at random; and
961 (ii) from a different judicial district than the other judges on the panel.
- 962 (4) The panel shall adjudicate any challenge as to whether the notice to convene the panel
963 complied with the requirements of this section and Utah Rules of Civil Procedure, Rule
964 42.
- 965 (5)(a) Except as provided in Subsection (5)(b) or (c), a chief judge from the panel shall
966 conduct all proceedings in an action before the panel.
- 967 (b) A panel shall sit en banc for:
968 (i) an adjudication of a notice to convene the panel as described in Subsection (4);
969 (ii) a discovery dispute between the parties that involves a constitutional issue or
970 right;
971 (iii) a trial;
972 (iv) an order for an injunction or temporary restraining order; or
973 (v) a motion that would dispose of the action or any claim or defense in the action.
- 974 (c) Upon a party's request, or by majority vote of the panel, the panel may sit en banc for
975 any issue before the panel.
- 976 (d) A judge on a panel may concur or dissent from any decision for which the panel sits
977 en banc.
- 978 (6)(a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before
979 a panel.
- 980 (b) Any requirement in the Utah Code to file or bring an action in a specific district or

- 981 county does not apply to an action before a panel.
- 982 (7)(a) Before March 7, 2026, the Judicial Council shall:
- 983 (i) by rule, create a process by which a district court judge is assigned to a panel by
- 984 random selection, including any reassignment of a district court judge on a panel
- 985 due to disqualification, recusal, or a change of judge as a matter of right; and
- 986 (ii) establish and maintain a list of judges who the Judicial Council determines are
- 987 qualified to serve on a panel.
- 988 (b) The list established under Subsection (7)(a) shall consist of at least 50% of the
- 989 district court judges from each district.
- 990 (c) The Judicial Council shall post the list described in Subsection (7)(a) on the website
- 991 for the Utah state courts with information on the dates and number of times that a
- 992 judge has served on a panel.
- 993 (8) The Judicial Council shall hire a coordinator and staff to assist any panel convened
- 994 under this section.

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

996 **78A-5-103 . District court case management.**

- 997 (1) As used in this section:
- 998 (a) "Municipal case" means a criminal case:
- 999 (i) filed in a district court by a city attorney on behalf of a municipality;
- 1000 (ii) appealed from a municipal justice court to a district court; or
- 1001 (iii) transferred to a district court by a municipal justice court.
- 1002 (b) "Municipality" means the same as that term is defined in Section 10-1-104.
- 1003 (c) "Municipality's principal office" means the primary location where the municipality
- 1004 conducts official administrative business.
- 1005 ~~[(1)]~~ (2) The district court of each district shall develop systems of case management.
- 1006 ~~[(2)]~~ (3) The case management systems developed by a district court shall:
- 1007 (a) ensure judicial accountability for the just and timely disposition of cases; and
- 1008 (b) provide for each judge a full judicial [~~work load~~] workload that accommodates
- 1009 differences in the subject matter or complexity of cases assigned to different judges.
- 1010 ~~[(3)]~~ (4)(a) A district court may establish divisions within the court for the efficient
- 1011 management of different types of cases.[—]
- 1012 (b) The existence of divisions within the court may not:
- 1013 ~~[(a)]~~ (i) affect the jurisdiction of the court nor the validity of court orders; or
- 1014 ~~[(b)]~~ (ii) impede public access to the courts.

- 1015 (5)(a) For management of municipal cases, the presiding judge of each judicial district
 1016 shall:
- 1017 (i) assign at least one judge to hear a municipality's municipal cases;
 - 1018 (ii) ensure that the number of judges assigned to hear a municipality's cases does not
 1019 exceed one judge for every 500 municipal cases that the municipality files,
 1020 appeals, or transfers in the calendar year; and
 - 1021 (iii) except as provided in Subsection (5)(c), ensure that each municipal case is heard
 1022 in the closest possible location to the municipality.
- 1023 (b) The location described in Subsection (5)(a)(iii) shall be measured by driving distance
 1024 to the municipality's principal office.
- 1025 (c) A municipal case may be heard in a location other than the location described in
 1026 Subsection (5)(a)(iii) if the presiding judge finds good cause for the municipal case to
 1027 be heard in a different location.

1028 Section 19. Section **78A-5-105** is amended to read:

1029 **78A-5-105 . Term of judges -- Vacancy.**

- 1030 (1)(a) [~~Judges of the district courts shall be-~~] A judge of the district court is appointed
 1031 initially until the first general election held more than three years after the effective
 1032 date of the appointment. [~~Thereafter, the]~~
- 1033 (b) ~~After the first term of appointment under Subsection (1)(a), the term of office for [~~
 1034 ~~judges of the district courts]~~ a judge of the district court is six years, and commences
 1035 on the first Monday in January, next following the date of election.
- 1036 (2) A judge whose term expires may serve, upon request of the Judicial Council, until a
 1037 successor is appointed and qualified.
- 1038 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,
 1039 and a judge of the district court is appointed to the Constitutional Court and does not
 1040 vacate the judge's appointment to the district court as described in Section 78A-5b-201,
 1041 the appointment to the Constitutional Court does not modify the judge's term of office
 1042 described in this section for the judge's appointment to the district court.

1043 Section 20. Section **78A-5a-301** is amended to read:

1044 **78A-5a-301 . Publication of decisions and orders.**

1045 The Business and Chancery Court shall:

- 1046 ~~[(1) publish all final decisions and orders issued by the Business and Chancery Court; and]~~
 1047 ~~[(2) make all final decisions and orders public on the Utah Courts' website.]~~
- 1048 (1) publish any financial decision or order issued by the Business and Chancery Court that

1049 the Business and Chancery Court determines would be valuable precedent or in the
 1050 interest of the public; or

1051 (2) make public the final decision or order on the website for the Utah state courts.

1052 Section 21. Section **78A-5a-302** is amended to read:

1053 **78A-5a-302 . Tentative ruling before oral argument.**

1054 [The] Upon agreement by the parties or for good cause, the Business and Chancery Court
 1055 shall provide the parties with a proposed ruling on each motion [~~within~~] at least 48 hours before
 1056 the day on which oral argument is held on the motion.

1057 Section 22. Section **78A-5b-101** is enacted to read:

1058 **CHAPTER 5b. Constitutional Court**

1059 **Part 1. General Provisions**

1060 **78A-5b-101 . Definitions for chapter.**

1061 As used in this chapter:

1062 (1) "Judicial Council" means the same as that term is defined in Section 78A-2-103.

1063 (2)(a) "State entity" means the state or any agency, department, board, or commission of
 1064 the state.

1065 (b) "State entity" includes the Legislature and any committee of the Legislature.

1066 (3) "State official" means:

1067 (a) a member of the Legislature;

1068 (b) the governor;

1069 (c) the lieutenant governor;

1070 (d) a member of the governor's cabinet;

1071 (e) the state auditor;

1072 (f) the state treasurer; or

1073 (g) the attorney general.

1074 Section 23. Section **78A-5b-102** is enacted to read:

1075 **78A-5b-102 . Effect of chapter contingent on court ruling.**

1076 This chapter only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.

1077 Section 24. Section **78A-5b-103** is enacted to read:

1078 **78A-5b-103 . Establishment of the Constitutional Court -- Organization and**
 1079 **status.**

1080 (1) There is established the Constitutional Court for the state.

1081 (2) The Constitutional Court is a court of record.

- 1082 (3) The Constitutional Court is a trial court with limited and statewide jurisdiction over
 1083 actions and claims as described in Section 78A-5b-103.
- 1084 (4) The Constitutional Court is of equal status with the district and juvenile courts and the
 1085 Business and Chancery Court of the state.
- 1086 (5) The Constitutional Court is established as a forum for the resolution of all matters
 1087 properly brought before the Constitutional Court and consistent with applicable
 1088 constitutional and statutory requirements of due process.
- 1089 (6) The Constitutional Court shall have a seal.
- 1090 (7) The judges and clerks of the Constitutional Court have the power to administer oaths
 1091 and affirmations.

1092 Section 25. Section **78A-5b-104** is enacted to read:

1093 **78A-5b-104 . Jurisdiction of the Constitutional Court -- Judgment by panel --**

1094 **District court action.**

- 1095 (1) The Constitutional Court has exclusive jurisdiction over:
- 1096 (a) a civil action filed on or after the effective date of this chapter if the civil action:
- 1097 (i) is challenging the constitutionality of a state statute or legislation, a provision of
 1098 the Utah Constitution, an action or inaction of the Legislature, an executive order,
 1099 an administrative rule, or an inaction by the executive branch;
- 1100 (ii) is seeking a declaratory judgment or injunctive relief; and
- 1101 (iii) is brought against a state entity or a state official in the state official's capacity.
- 1102 (b) a civil action filed before the effective date of this chapter if:
- 1103 (i) the civil action is challenging the constitutionality of a state statute or legislation, a
 1104 provision of the Utah Constitution, an action or inaction of the Legislature, an
 1105 executive order, an administrative rule, or an inaction by the executive branch;
- 1106 (ii) the civil action is seeking a declaratory judgment or injunctive relief;
- 1107 (iii) the civil action is brought in the district court against a state entity or a state
 1108 official in the state official's capacity; and
- 1109 (iv) a party files a notice of removal within 45 days after the effective date of this
 1110 chapter.
- 1111 (2) If a party files a notice of removal under Subsection (1)(b), the Constitutional Court
 1112 shall adjudicate any challenge as to whether the notice of removal complied with the
 1113 requirements of Subsection (1)(b).
- 1114 (3) A court shall transfer an action to the Constitutional Court if:
- 1115 (a) a party brings the civil action for which the Constitutional Court has exclusive

- 1116 jurisdiction under Subsection (1)(a) in the court; or
 1117 (b) a party files a notice of removal under Subsection (1)(b).
 1118 (4) A party to a civil action in the Constitutional Court may not seek to transfer the action
 1119 to another trial court of this state, unless the Constitutional Court lacks jurisdiction over
 1120 the action.

1121 Section 26. Section **78A-5b-105** is enacted to read:

1122 **78A-5b-105 . Venue for Constitutional Court.**

- 1123 (1) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action brought in
 1124 the Constitutional Court.
 1125 (2) Any requirement in the Utah Code to file or bring an action in a specific district or
 1126 county does not apply to an action brought in the Constitutional Court.

1127 Section 27. Section **78A-5b-201** is enacted to read:

1128 **Part 2. Administration**

1129 **78A-5b-201 . Judges of Constitutional Court -- Terms.**

- 1130 (1) If a judge of the district court or Court of Appeals is appointed and confirmed to the
 1131 Constitutional Court, the judge is not required to vacate the judge's appointment to the
 1132 district court or Court of Appeals to serve as a judge of the Constitutional Court.
 1133 (2)(a) A judge of the Constitutional Court is appointed to initially serve as a judge of the
 1134 Constitutional Court until the first general election held more than three years after
 1135 the day on which the appointment is effective.
 1136 (b) After the initial term described in Subsection (2)(a), the term of office of a judge of
 1137 the Constitutional Court is six years and commences on the first Monday in January
 1138 following the date of election.
 1139 (c) A judge of the Constitutional Court whose term expires may serve, upon request of
 1140 the Judicial Council, until a successor is appointed and qualified.

1141 Section 28. Section **78A-5b-202** is enacted to read:

1142 **78A-5b-202 . Decision by panel.**

- 1143 (1) Except as provided in Subsection (2)(a), a single judge of the Constitutional Court may
 1144 conduct all proceedings in an action before the Constitutional Court.
 1145 (2)(a) The Constitutional Court shall sit en banc for:
 1146 (i) an adjudication of a challenge to a notice of removal as described in Subsection
 1147 78A-5b-104(2);
 1148 (ii) a discovery dispute between the parties that involves a constitutional issue or
 1149 right;

- 1150 (iii) a trial;
 1151 (iv) a proceeding regarding whether to grant injunctive relief; or
 1152 (v) a motion that would dispose of the action or any claim or defense in the action.
 1153 (b) Upon a party's request, or by majority vote of the judges of the Constitutional Court,
 1154 the Constitutional Court may sit en banc for any issue before the Constitutional Court.
 1155 (c) A judge of the Constitutional Court may concur or dissent from any decision for
 1156 which the Constitutional Court sits en banc.

- 1157 (3)(a) If a judge of the Constitutional Court is unable to participate in a trial or
 1158 proceeding described in Subsection (2) due to recusal or disqualification, a district
 1159 court judge or Court of Appeals judge may be assigned to sit on the panel and
 1160 participate in the trial or proceeding.
 1161 (b) The presiding officer of the Judicial Council shall designate a pool of three district
 1162 court judges or Court of Appeals judges to be randomly assigned to the
 1163 Constitutional Court to sit on the panel when a judge of the Constitutional Court is
 1164 unable to sit on the panel due to recusal or disqualification.

1165 Section 29. Section **78A-5b-203** is enacted to read:

- 1166 **78A-5b-203 . Presiding judge -- Associate presiding judge -- Compensation --**
 1167 **Powers -- Duties.**
 1168 (1) The judges of the Constitutional Court shall elect a presiding judge from among the
 1169 members of the court by majority vote of all judges.
 1170 (2) The presiding judge shall receive \$2,000 per annum as additional compensation for the
 1171 period served as presiding judge.
 1172 (3) The presiding judge has the following authority and responsibilities, consistent with the
 1173 policies of the Judicial Council:
 1174 (a) implementing policies of the Judicial Council; and
 1175 (b) exercising powers and performing administrative duties as authorized by the Judicial
 1176 Council.
 1177 (4)(a) The judges of the Constitutional Court may elect an associate presiding judge
 1178 from among the members of the court by majority vote of all judges.
 1179 (b) The associate presiding judge shall receive \$1,000 per annum as additional
 1180 compensation for the period served as associate presiding judge.
 1181 (5)(a) When the presiding judge is unavailable, the associate presiding judge shall
 1182 assume the responsibilities of the presiding judge.
 1183 (b) The associate presiding judge shall perform other duties assigned by the presiding

1184 judge.

1185 Section 30. Section **78A-5b-204** is enacted to read:

1186 **78A-5b-204 . Administrative system -- Case management -- Clerk of the court --**
1187 **Employees.**

1188 (1)(a) There is established the State Constitutional Court Administrative System.

1189 (b) The Judicial Council shall administer the operation of the State Constitutional Court
1190 Administrative System.

1191 (2) The Constitutional Court shall develop a case management system that ensures judicial
1192 accountability for the just and timely disposition of cases.

1193 (3) The clerk of the Constitutional Court shall:

1194 (a) take charge of and safely keep the court seal;

1195 (b) take charge of and safely keep or dispose of all books, papers, and records filed or
1196 deposited with the clerk and all other records required by law or the rules of the
1197 Judicial Council;

1198 (c) issue all notices, processes, and summonses as authorized by law;

1199 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;

1200 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and

1201 (f) perform other duties as required by the presiding judge, the constitutional court
1202 administrator, applicable law, and the rules of the Judicial Council.

1203 (4) All employees, except judges of the Constitutional Court, are selected, promoted, and
1204 discharged through the state court's personnel system for the Constitutional Court under
1205 the direction and rules of the Judicial Council.

1206 Section 31. Section **78A-5b-205** is enacted to read:

1207 **78A-5b-205 . Location of the Constitutional Court.**

1208 (1) The Constitutional Court may perform any of the Constitutional Court's functions in any
1209 location within the state.

1210 (2) The Judicial Council shall provide, from appropriations made by the Legislature, court
1211 space suitable for the conduct of court business for the Constitutional Court.

1212 (3) In order to carry out the Judicial Council's obligation to provide facilities for the
1213 Constitutional Court, the Judicial Council may lease space to be used by the
1214 Constitutional Court.

1215 (4) A lease or reimbursement for the Constitutional Court must comply with the standards
1216 of the Division of Facilities Construction and Management that are applicable to state
1217 agencies.

1218 (5) The cost of salaries, travel, and training required for the discharge of the duties of
 1219 judges, secretaries of judges or court executives, court executives, and court reporters
 1220 for the Constitutional Court are paid from appropriations made by the Legislature.

1221 Section 32. Section **78A-5b-206** is enacted to read:

1222 **78A-5b-206 . Court sessions.**

1223 The Constitutional Court shall hold court at least once in each quarter of the year.

1224 Section 33. Section **78A-10a-202** is amended to read:

1225 **78A-10a-202 . Notice of a vacancy -- Recruitment period for judicial vacancy --**

1226 **Convening a judicial nominating commission.**

1227 (1)(a) [~~Unless a hiring freeze is implemented in accordance with Section 78A-2-113]~~

1228 Except as otherwise provided by this section, the governor shall ensure that:

1229 (i) [~~except as provided in Subsection (1)(a)(ii)]~~ if sufficient notice of a judicial
 1230 vacancy is given to the governor, the recruitment period to fill a judicial vacancy
 1231 begins 235 days before the effective date of the judicial vacancy;

1232 (ii) if sufficient notice of a judicial vacancy is not given to the governor, the
 1233 recruitment period to fill a judicial vacancy begins within 10 days after the day on
 1234 which the governor receives notice;

1235 (iii) [~~except as provided in Subsection (1)(b),~~] the recruitment period is a minimum
 1236 of at least 30 days but no more than 90 days; and

1237 (iv) the chair of the commission having authority over the vacancy convenes a
 1238 meeting no more than 10 days after the close of the recruitment period.

1239 (b) If fewer than nine applications are received for a judicial vacancy, the governor may
 1240 extend the recruitment period described in Subsection (1)(a)(iii) up to 30 days.

1241 (2) If there is a hiring freeze implemented in accordance with Section 78A-2-113, the time
 1242 periods described in Subsection (1) shall begin to run on the day that the hiring freeze
 1243 ends.

1244 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,
 1245 and a district court judge or Court of Appeals judge is appointed and confirmed as a
 1246 judge of the Constitutional Court, the judge shall notify the governor as to whether the
 1247 judge intends to vacate the judge's appointment to the district court or Court of Appeals.

1248 Section 34. Section **78A-10a-203** is amended to read:

1249 **78A-10a-203 . Procedures for judicial nomination commission -- Meetings --**

1250 **Certification -- Governor appointment.**

1251 (1)(a) A commission may:

- 1252 (i) meet as necessary to perform the commission's function; and
- 1253 (ii) investigate the applicants of a judicial vacancy, including seeking input from
- 1254 members and employees of the judiciary and the community.
- 1255 (b) A commission may consult with the Judicial Council regarding the applicants for a
- 1256 judicial vacancy.
- 1257 (c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and
- 1258 Public Meetings Act.
- 1259 (2)(a) In determining which of the applicants are the most qualified, a commission shall
- 1260 determine by a majority vote of the commissioners present which of the applicants
- 1261 best possess the ability, temperament, training, and experience that qualifies an
- 1262 applicant for the office.
- 1263 (b) In addition to Subsection (2)(a), the Constitutional Court Nominating Commission
- 1264 shall select applicants in accordance with the requirements described in Section
- 1265 78A-10a-606.
- 1266 (3)(a) Except as provided under Subsection (3)(b):
- 1267 (i) the [~~appellate court nominating commission~~] Appellate Court Nominating
- 1268 Commission shall certify to the governor a list of the seven most qualified
- 1269 applicants per judicial vacancy;
- 1270 (ii) a district and juvenile court nominating commission shall certify to the governor a
- 1271 list of the five most qualified applicants per judicial vacancy; [~~and~~]
- 1272 (iii) the [~~business and chancery court nominating commission~~] Business and Chancery
- 1273 Court Nominating Commission shall certify to the governor a list of the seven
- 1274 most qualified applicants per judicial vacancy[-] ; and
- 1275 (iv) the Constitutional Court Nominating Commission shall certify to the governor a
- 1276 list of the seven most qualified applicants per judicial vacancy.
- 1277 (b) If a commission is considering applicants for more than one judicial vacancy existing
- 1278 at the same time and for the same court, the commission shall include one additional
- 1279 applicant for each additional judicial vacancy in the court in the list of applicants the
- 1280 commission certifies to the governor.
- 1281 (4) A commission shall certify a list to the governor under Subsection (3) no more than 45
- 1282 days after convening in accordance with Section 78A-10a-202.
- 1283 (5) A commission shall, at the time that the commission certifies a list of the most qualified
- 1284 applicants to the governor, submit the same list to the president of the Senate, the Senate
- 1285 minority leader, and the Office of Legislative Research and General Counsel.

- 1286 (6) A commission shall ensure that the list of applicants certified to the governor:
 1287 (a) meet the qualifications required by law to fill the office; and
 1288 (b) are willing to serve.
- 1289 (7) In determining which of the applicants are the most qualified, a commission may not
 1290 decline to certify an applicant's name to the governor because:
 1291 (a) the commission declined to submit that applicant's name to the governor to fill a
 1292 previous judicial vacancy;
 1293 (b) a previous commission declined to submit that applicant's name to the governor; or
 1294 (c) the commission or a previous commission submitted the applicant's name to the
 1295 governor and the governor selected another individual to fill the judicial vacancy.
- 1296 (8) A commission may not certify:
 1297 (a) an applicant who is a justice or judge that was not retained by the voters for the
 1298 office for which the justice or judge was defeated until after the expiration of that
 1299 justice's or judge's term of office; and
 1300 (b) an applicant who has served on a commission within six months after the day on
 1301 which the commission was last convened.
- 1302 (9) The governor shall fill a judicial vacancy within 30 days after the day on which the
 1303 governor received the list of nominees from the commission.
- 1304 (10) If the governor fails to fill a judicial vacancy within 30 days after the day on which the
 1305 governor received the list of nominees from the commission, the chief justice of the
 1306 Supreme Court shall, within 20 days, appoint an applicant from the list of nominees
 1307 certified to the governor by the commission.

1308 Section 35. Section **78A-10a-601** is enacted to read:

1309 **Part 6. Constitutional Court Nominating Commission**

1310 **78A-10a-601 . Definitions for part.**

1311 As used in this part:

- 1312 (1) "Commission" means the Constitutional Court Nominating Commission created in
 1313 Section 78A-10a-602.
- 1314 (2) "Commissioner" means an individual appointed by the governor to serve on the
 1315 commission.

1316 Section 36. Section **78A-10a-602** is enacted to read:

1317 **78A-10a-602 . Effect of part contingent on court ruling.**

1318 This part only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.

1319 Section 37. Section **78A-10a-603** is enacted to read:

1320 **78A-10a-603 . Creation of commission.**

- 1321 (1) There is created the Constitutional Court Nominating Commission.
1322 (2) The Constitutional Court Nominating Commission shall nominate individuals to fill
1323 judicial vacancies on the Constitutional Court.

1324 Section 38. Section **78A-10a-604** is enacted to read:

1325 **78A-10a-604 . Membership -- Appointment -- Vacancies -- Removal.**

- 1326 (1) The Constitutional Court Nominating Commission shall consist of seven
1327 commissioners, each appointed by the governor to serve a four-year term.
1328 (2) A commissioner shall:
1329 (a) be a United States citizen;
1330 (b) be a resident of Utah; and
1331 (c) serve until the commissioner's successor is appointed.
1332 (3) The governor may not appoint:
1333 (a) a commissioner to serve successive terms; or
1334 (b) a member of the Legislature to serve as a member of the commission.
1335 (4) In determining whether to appoint an individual to serve as a commissioner, the
1336 governor shall consider whether the individual's appointment would ensure that the
1337 commission selects applicants without any regard to partisan political consideration.
1338 (5) The governor shall appoint the chair of the commission from among the membership of
1339 the commission.
1340 (6) The governor shall fill any vacancy in the commission caused by the expiration of a
1341 commissioner's term.
1342 (7)(a) If a commissioner is disqualified, removed, or is otherwise unable to serve, the
1343 governor shall appoint a replacement commissioner to fill the vacancy for the
1344 unexpired term.
1345 (b) A replacement commissioner appointed under Subsection (7)(a) may not be
1346 reappointed upon expiration of the term of service.
1347 (8) The governor may remove a commissioner from the commission at any time with or
1348 without cause.

1349 Section 39. Section **78A-10a-605** is enacted to read:

1350 **78A-10a-605 . Procedure -- Staff -- Rules -- Recusal.**

- 1351 (1) Four commissioners are a quorum.
1352 (2) The governor shall appoint a member of the governor's staff to serve as staff to the
1353 commission.

- 1354 (3) The governor shall:
 1355 (a) ensure that the commission follows the rules promulgated by the State Commission
 1356 on Criminal and Juvenile Justice under Section 78A-10a-201; and
 1357 (b) resolve any questions regarding the rules described in Subsection (3)(a).
 1358 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of
 1359 interest that makes the commissioner unable to serve.

1360 Section 40. Section **78A-10a-606** is enacted to read:

1361 **78A-10a-606 . Expenses -- Per diem and travel.**

1362 A commissioner may not receive compensation or benefits for the commissioner's
 1363 service but may receive per diem and travel expenses in accordance with:

1364 (1) Section 63A-3-106;

1365 (2) Section 63A-3-107; and

1366 (3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
 1367 63A-3-107.

1368 Section 41. Section **78A-10a-607** is enacted to read:

1369 **78A-10a-607 . Selection requirements for applicants.**

1370 (1) In selecting applicants who are the most qualified to serve on the Constitutional Court,
 1371 the commission shall give precedence to an applicant who:

1372 (a) is a judge or justice; or

1373 (b) has previously served as a judge or justice.

1374 (2) The commission shall make every effort to select applicants for the Constitutional Court
 1375 that would result in each judge on the Constitutional Court having primarily practiced
 1376 law or served as a judge in a different judicial district than the other judges on the
 1377 Constitutional Court.

1378 Section 42. Section **78A-11-102** is amended to read:

1379 **78A-11-102 . Definitions.**

1380 As used in this chapter:

1381 (1) "Commission" means the Judicial Conduct Commission established by Utah
 1382 Constitution, Article VIII, Section 13, and this chapter.

1383 (2)(a) "Complaint" includes:

1384 (i) a written complaint against a judge; or

1385 (ii) an allegation based on reliable information received in any form, from any
 1386 source, that alleges, or from which a reasonable inference can be drawn that a
 1387 judge is in violation of any provision of Utah Constitution, Article VIII, Section

- 1388 13.
- 1389 (b) "Complaint" does not include an allegation initiated by the commission or [its] the
- 1390 commission's staff.
- 1391 (3) "Investigation" means an inquiry into an allegation of misconduct, including a search
- 1392 for and examination of evidence concerning the allegations, which begins upon the
- 1393 receipt of a complaint and is completed when either the complaint is dismissed by a
- 1394 majority vote of the commission or when an order is sent to the Supreme Court for its
- 1395 review in accordance with Utah Constitution, Article VIII, Section 13.
- 1396 (4) "Judge" includes:
- 1397 (a) the chief justice of the Supreme Court[;] ;
- 1398 (b) a justice of the Supreme Court[;] ;
- 1399 (c) a judge of the Court of Appeals[;] ;
- 1400 (d) a judge of the Business and Chancery Court[;] ;
- 1401 (e) a judge of the Constitutional Court if Chapter 5b, Constitutional Court, takes effect
- 1402 as described in Section 78A-5b-102;
- 1403 (f) a district court judge[;] ;
- 1404 (g) an active senior judge[;] ;
- 1405 (h) a juvenile court judge[;] ;
- 1406 (i) a justice court judge[;] ;
- 1407 (j) an active senior justice court judge[;] ; and
- 1408 (k) a judge pro tempore of any court of this state.

1409 Section 43. Section **78B-3a-102** is amended to read:

1410 **78B-3a-102 . Applicability of this chapter.**

- 1411 (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall
- 1412 bring an action in accordance with the requirements of this chapter.
- 1413 (2) The requirements of this chapter do not apply to an action brought in:
- 1414 (a) the Business and Chancery Court[;] ; or
- 1415 (b) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect
- 1416 as described in Section 78A-5b-102.

1417 Section 44. Section **78B-5-202** is amended to read:

1418 **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**

1419 **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**

1420 **support orders.**

- 1421 (1)(a) Judgments shall continue for eight years from the date of entry in a court unless

- 1422 previously satisfied, renewed, or unless enforcement of the judgment is stayed in
1423 accordance with law.
- 1424 (b) Entry of an order renewing a judgment:
- 1425 (i) maintains the date of the original judgment;
- 1426 (ii) maintains the priority of collection of the judgment; and
- 1427 (iii) except as explicitly provided otherwise by law or contract, begins anew the time
1428 limitation for an action upon the judgment.
- 1429 (2) Before July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment
1430 by a district court creates a lien upon the real property of the judgment debtor, not
1431 exempt from execution, owned or acquired during the existence of the judgment, located
1432 in the county in which the judgment is entered.
- 1433 (3) An abstract of judgment issued by the court in which the judgment is entered may be
1434 filed in any court of this state and shall have the same force and effect as a judgment
1435 entered in that court.
- 1436 (4) Before July 1, 1997, and after May 15, 1998, a judgment entered in a small claims
1437 action may not qualify as a lien upon real property unless abstracted to the district court
1438 and recorded in accordance with Subsection (3).
- 1439 (5)(a) If any judgment is appealed, upon deposit with the court where the notice of
1440 appeal is filed of cash or other security in a form and amount considered sufficient by
1441 the court that rendered the judgment to secure the full amount of the judgment,
1442 together with ongoing interest and any other anticipated damages or costs, including
1443 attorney fees and costs on appeal, the lien created by the judgment shall be
1444 terminated as provided in Subsection (5)(b).
- 1445 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court
1446 shall enter an order terminating the lien created by the judgment and granting the
1447 judgment creditor a perfected lien in the deposited security as of the date of the
1448 original judgment.
- 1449 (6)(a) A child support order, including an order or judgment for guardian ad litem
1450 attorney fees and costs, or a sum certain judgment for past due support may be
1451 enforced:
- 1452 (i) within four years after the date the youngest child reaches majority; or
- 1453 (ii) eight years from the date of entry of the sum certain judgment entered by a
1454 tribunal.
- 1455 (b) The longer period of duration shall apply in every order.

- 1456 (c) A sum certain judgment may be renewed to extend the duration.
- 1457 (7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, [~~or~~]the
- 1458 Business and Chancery Court, or the Constitutional Court, becomes a lien upon real
- 1459 property if:
- 1460 (i) the judgment or an abstract of the judgment containing the information identifying
- 1461 the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the
- 1462 office of the county recorder; or
- 1463 (ii) the judgment or an abstract of the judgment and a separate information statement
- 1464 of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in
- 1465 the office of the county recorder.
- 1466 (b) The judgment shall run from the date of entry by the court.
- 1467 (c) The real property subject to the lien includes all the real property of the judgment
- 1468 debtor:
- 1469 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
- 1470 (ii) owned or acquired at any time by the judgment debtor during the time the
- 1471 judgment is effective.
- 1472 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment
- 1473 in favor of a state agency, the real property subject to the lien includes all real
- 1474 property of the judgment debtor in the state.
- 1475 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
- 1476 (8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the
- 1477 judgment debtor in the judgment index in the office of the county recorder as
- 1478 required in Section 17-71-302.
- 1479 (b) A judgment containing a legal description shall also be abstracted in the appropriate
- 1480 tract index in the office of the county recorder.
- 1481 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the
- 1482 office of a county recorder, a person shall, in the office of the county recorder of each
- 1483 county in which an instrument creating the lien is recorded, record a document
- 1484 releasing, assigning, renewing, or extending the lien.
- 1485 (b) The document described in Subsection (9)(a) shall include:
- 1486 (i) the date of the release, assignment, renewal, or extension;
- 1487 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and
- 1488 (iii) for the county in which the document is recorded in accordance with Subsection
- 1489 (9)(a):

- 1490 (A) the date on which the instrument creating the lien was recorded in that
 1491 county's office of the county recorder; and
 1492 (B) in accordance with Section 57-3-106, that county recorder's entry number and
 1493 book and page of the recorded instrument creating the judgment lien.

1494 Section 45. Section **78B-5-206** is amended to read:

1495 **78B-5-206 . Mileage allowance for judgment debtor required to appear.**

- 1496 (1) A judgment debtor legally required to appear before a district court[~~-or~~] , the Business
 1497 and Chancery Court, or the Constitutional Court, to answer concerning the debtor's
 1498 property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for
 1499 each mile actually and necessarily traveled in going only, to be paid by the judgment
 1500 creditor at whose instance the judgment debtor was required to appear.
 1501 (2) The judgment creditor is not required to make any payment for such mileage until the
 1502 judgment debtor has actually appeared before the court.

1503 Section 46. Section **78B-5-1002** is amended to read:

1504 **78B-5-1002 . Right to an appeal of an injunctive order.**

- 1505 (1) As used in this section:
 1506 (a) "Defendant" means a defendant in the civil action or a party affected by the
 1507 injunctive order.
 1508 (b) "Governmental entity" means the state, a county, a municipality, a special district, a
 1509 special service district, a school district, a state institution of higher education, or any
 1510 other political subdivision or administrative unit of the state.
 1511 (c) "Injunctive order" means a temporary restraining order, a preliminary injunction, [a
 1512 ~~permanent injunction, or any order or judgment~~] or any order that restrains or enjoins
 1513 the execution or enforcement of a state law or any part of a state law before entry of a
 1514 judgment.
 1515 (d) "Plaintiff" means the party seeking the injunctive order.
 1516 (e) "State law" means a state statute, a provision of the Utah Constitution, or any action
 1517 of the Legislature.
 1518 (2) A defendant has a right in a civil action to appeal a decision by a trial court of this state
 1519 to grant, continue, modify, or refuse to modify an injunctive order if the underlying
 1520 claim for the injunctive order is that the state law, or any part of the state law, is
 1521 unconstitutional on its face.
 1522 (3) Upon an appeal described in Subsection (2), the Supreme Court shall determine whether:
 1523 (a) the decision of the trial court is correct; and

- 1524 (b) there is a substantial likelihood that the plaintiff will prevail on the merits of the
 1525 claim that the state law, or any part of the state law, is unconstitutional on its face.
 1526 (4) A defendant who does not exercise the defendant's right to appeal under this section is
 1527 not precluded from seeking an appeal of the decision upon entry of a judgment or under
 1528 any other law for which the defendant may appeal the decision.
 1529 [(4)] (5) If a governmental entity brings an appeal under Subsection (2), the governmental
 1530 entity is not required to post a bond for the appeal.
 1531 (6) The requirements for an appeal of right under the Utah Rules of Appellate Procedure
 1532 apply to the filing of an appeal under this section.
 1533 [(5)] (7) This section applies to an action pending in a court of this state on [~~and~~] or after
 1534 May 7, 2025.

1535 Section 47. Section **78B-6-1303** is amended to read:

1536 **78B-6-1303 . Lis pendens -- Notice.**

- 1537 (1)(a) Any party to an action filed in the United States District Court for the District of
 1538 Utah, the United States Bankruptcy Court for the District of Utah, a district court of
 1539 this state, [~~or~~]the Business and Chancery Court of this state, or the Constitutional
 1540 Court of this state that affects the title to, or the right of possession of, real property
 1541 may file a notice of pendency of action.
 1542 (b) A party that chooses to file a notice of pendency of action shall:
 1543 (i) first, file the notice with the court that has jurisdiction of the action; and
 1544 (ii) second, record a copy of the notice filed with the court with the county recorder
 1545 in the county where the property or any portion of the property is located.
 1546 (c) A person may not file a notice of pendency of action unless a case has been filed and
 1547 is pending in the United States District Court for the District of Utah, the United
 1548 States Bankruptcy Court for the District of Utah, a district court of this state, [~~or~~]the
 1549 Business and Chancery Court of this state, or the Constitutional Court of this state.
 1550 (2) The notice shall contain:
 1551 (a) the caption of the case, with the names of the parties and the case number;
 1552 (b) the object of the action or defense; and
 1553 (c) the specific legal description of only the property affected.
 1554 (3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any
 1555 other party in interest that may be affected by the action is considered to have
 1556 constructive notice of pendency of action.

1557 Section 48. **Effective Date.**

1558 This bill takes effect:

1559 (1) except as provided in Subsection (2), May 6, 2026; or

1560 (2) if approved by two-thirds of all members elected to each house:

1561 (a) upon approval by the governor;

1562 (b) without the governor's signature, the day following the constitutional time limit of
1563 Utah Constitution, Article VII, Section 8; or

1564 (c) in the case of a veto, the date of veto override.

1565 **Section 49. Revisor instructions.**

1566 The Legislature intends that the Office of Legislative Research and General Counsel, in
1567 preparing the Utah Code database for publication, revise Section 78A-5-102.7 by replacing
1568 each instance of the phrase "the effective date of this bill" with the bill's actual effective date.