

**Brady Brammer** proposes the following substitute bill:

**Judicial Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: Brady Brammer

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**LONG TITLE**

**General Description:**

This bill addresses issues related to the judiciary.

**Highlighted Provisions:**

This bill:

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

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

49 **Money Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 This bill provides a special effective date.

53 This bill provides revisor instructions.

54 **Utah Code Sections Affected:**

55 AMENDS:

56 **15-1-4**, as last amended by Laws of Utah 2023, Chapter 394

57 **20A-12-201**, as last amended by Laws of Utah 2025, Chapter 39

58 **63G-23-102**, as last amended by Laws of Utah 2024, Chapter 158

59 **67-8-2**, as last amended by Laws of Utah 2023, Chapter 394

60 **78A-1-101**, as last amended by Laws of Utah 2023, Chapter 394

61 **78A-1-102**, as last amended by Laws of Utah 2023, Chapter 394

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

63 **78A-2-104**, as last amended by Laws of Utah 2023, Chapter 394  
64 **78A-2-107**, as last amended by Laws of Utah 2023, Chapter 394  
65 **78A-2-108**, as last amended by Laws of Utah 2023, Chapter 394  
66 **78A-2-110**, as last amended by Laws of Utah 2023, Chapter 394  
67 **78A-2-113**, as last amended by Laws of Utah 2023, Chapter 394  
68 **78A-2-301**, as last amended by Laws of Utah 2025, Chapter 291  
69 **78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276  
70 **78A-4-103**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3  
71 **78A-5-102**, as last amended by Laws of Utah 2025, Chapter 426  
72 **78A-5-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
73 **78A-5-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
74 **78A-5a-301**, as enacted by Laws of Utah 2023, Chapter 394  
75 **78A-5a-302**, as enacted by Laws of Utah 2023, Chapter 394  
76 **78A-10a-202**, as enacted by Laws of Utah 2023, Chapter 250  
77 **78A-10a-203**, as enacted by Laws of Utah 2023, Chapter 250 and last amended by  
78 Coordination Clause, Laws of Utah 2023, Chapter 250  
79 **78A-11-102**, as last amended by Laws of Utah 2023, Chapter 394  
80 **78B-3a-102**, as enacted by Laws of Utah 2023, Chapter 401  
81 **78B-5-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
82 **78B-5-206**, as last amended by Laws of Utah 2023, Chapter 401  
83 **78B-5-1002**, as enacted by Laws of Utah 2025, Chapter 456  
84 **78B-6-1303**, as last amended by Laws of Utah 2023, Chapter 401

## 85 ENACTS:

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

97           **78A-5b-206**, Utah Code Annotated 1953  
 98           **78A-10a-601**, Utah Code Annotated 1953  
 99           **78A-10a-602**, Utah Code Annotated 1953  
 100          **78A-10a-603**, Utah Code Annotated 1953  
 101          **78A-10a-604**, Utah Code Annotated 1953  
 102          **78A-10a-605**, Utah Code Annotated 1953  
 103          **78A-10a-606**, Utah Code Annotated 1953  
 104          **78A-10a-607**, Utah Code Annotated 1953

105 REPEALS AND REENACTS:

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

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

108           **78A-5-102.7**, Utah Code Annotated 1953

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

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

112           **15-1-4 . Interest on judgments.**

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

114           (a) "Court" means:

115               (i) the district court;

116               (ii) the justice court;

117               (iii) the Business and Chancery Court; or

118               (iv) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes

119                       effect as described in Section 78A-5b-102.

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

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

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

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

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

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

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

153 **20A-12-201 . Judicial appointees -- Retention elections.**

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

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

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

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

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

211           Yes ( )

212           No ( )."]

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

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

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

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

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

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

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



- 267 (e) 110% for a Supreme Court justice.
- 268 (3)(a) If a district court judge is a Constitutional Court judge, the judge's salary for the  
 269 Constitutional Court is 5% of the salary for a district court judge during the time  
 270 period in which the judge remains a district court judge.
- 271 (b) If a Court of Appeals judge is a Constitutional Court judge, the judge's salary for the  
 272 Constitutional Court is 5% of the salary for a district court judge during the time  
 273 period in which the judge remains a Court of Appeals judge.
- 274 (c) Except as provided in this Subsection (3), a judge of a court of record may not collect  
 275 a salary for more than one court of record.

276 [~~(3)~~] (4)(a) A salary described in Subsection (2) does not include additional  
 277 compensation provided for a presiding judge or associate presiding judge under:

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

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

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

287 **78A-1-101 . Courts of this state -- Courts of record.**

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

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

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

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

299 **78A-1-102 . Trial courts of record -- Geographical divisions.**

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

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

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

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

314 Section 7. Section **78A-1-103** is amended to read:

315 **78A-1-103 . Number of district court judges.**

316 The number of district court judges is:

- 317 (1) [~~four~~] five district court judges in the First Judicial District;  
 318 (2) 14 district court judges in the Second Judicial District;  
 319 (3) 32 district court judges in the Third Judicial District;  
 320 (4) 13 district court judges in the Fourth Judicial District;  
 321 (5) seven district court judges in the Fifth Judicial District;  
 322 (6) two district court judges in the Sixth Judicial District;  
 323 (7) three district court judges in the Seventh Judicial District; and  
 324 (8) three district court judges in the Eighth Judicial District.

325 Section 8. Section **78A-1-103.7** is enacted to read:

326 **78A-1-103.7 . Number of Constitutional Court judges.**

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

329 Section 9. Section **78A-2-104** is amended to read:

330 **78A-2-104 . Judicial Council -- Creation -- Members -- Terms and election --**  
 331 **Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.**

332 (1) The Judicial Council is composed of:

- 333 (a) the chief justice of the Supreme Court;  
 334 (b) one member elected by the justices of the Supreme Court;

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

- 369 (i) establish and assure compliance with policies for the operation of the courts,  
370 including uniform rules and forms; and
- 371 (ii) publish and submit to the governor, the chief justice of the Supreme Court, and  
372 the Legislature an annual report of the operations of the courts, which shall  
373 include financial and statistical data and may include suggestions and  
374 recommendations for legislation.
- 375 (6) The Judicial Council shall establish standards for the operation of the courts of the state,  
376 including facilities, court security, support services, and staff levels for judicial and  
377 support personnel.
- 378 (7) The Judicial Council shall by rule:
- 379 (a) establish the time and manner for destroying court records, including computer  
380 records; and
- 381 (b) establish retention periods for court records.
- 382 (8)(a) Consistent with the requirements of judicial office and security policies, the  
383 Judicial Council shall establish procedures to govern the assignment of state vehicles  
384 to public officers of the judicial branch.
- 385 (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may  
386 be assigned for unlimited use, within the state only.
- 387 (9)(a) The Judicial Council shall:
- 388 (i) advise judicial officers and employees concerning ethical issues; and  
389 (ii) establish procedures for issuing informal and formal advisory opinions on ethical  
390 issues.
- 391 (b) Compliance with an informal opinion is evidence of good faith compliance with the  
392 Code of Judicial Conduct.
- 393 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- 394 (10)(a) The Judicial Council shall establish written procedures authorizing the presiding  
395 officer of the Judicial Council to appoint judges of courts of record by special or  
396 general assignment to serve temporarily in another level of court in a specific court or  
397 generally within that level.
- 398 (b) The appointment under Subsection (10)(a) shall be:
- 399 (i) for a specific period of time; and  
400 (ii) reported to the Judicial Council.
- 401 (c) The Judicial Council shall develop the procedures described in this Subsection (10)  
402 in accordance with Subsection 78A-2-107(2) regarding the temporary appointment of

- 403 judges.
- 404 (11)(a) The Judicial Council may by rule designate municipalities in addition to those  
405 designated by statute as a location of a trial court of record.
- 406 (b) There shall be at least one court clerk's office open during regular court hours in each  
407 county.
- 408 (c) Any trial court of record may hold court in any municipality designated as a location  
409 of a court of record.
- 410 (12) The Judicial Council shall by rule determine whether the administration of a court is  
411 the obligation of the Administrative Office of the Courts or whether the Administrative  
412 Office of the Courts should contract with local government for court support services.
- 413 (13) The Judicial Council may by rule direct that a district court location be administered  
414 from another court location within the county.
- 415 (14)(a) The Judicial Council shall:
- 416 (i) establish the Office of Guardian Ad Litem in accordance with [~~Title 78A, Chapter~~  
417 ~~2, Part 8, Guardian Ad Litem~~] Chapter 2, Part 8, Guardian Ad Litem; and
- 418 (ii) establish and supervise a Guardian Ad Litem Oversight Committee.
- 419 (b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii)  
420 shall oversee the Office of Guardian Ad Litem, established under Subsection  
421 (14)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and  
422 federal law, regulation, policy, and court rules.
- 423 (15) The Judicial Council shall establish and maintain, in cooperation with the Office of  
424 Recovery Services within the Department of Health and Human Services, the part of the  
425 state case registry that contains records of each support order established or modified in  
426 the state on or after October 1, 1998, as is necessary to comply with the Social Security  
427 Act, 42 U.S.C. Sec. 654a.
- 428 Section 10. Section **78A-2-107** is amended to read:
- 429 **78A-2-107 . Court administrator -- Powers, duties, and responsibilities.**
- 430 Under the general supervision of the presiding officer of the Judicial Council, and within  
431 the policies established by the [~~the-~~]Judicial Council:
- 432 (1) the state court administrator shall:
- 433 (a) organize and administer all of the nonjudicial activities of the courts;
- 434 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;
- 435 (c) implement the standards, policies, and rules established by the Judicial Council;
- 436 (d) formulate and administer a system of personnel administration, including in-service

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

467 Section 11. Section **78A-2-108** is amended to read:

468 **78A-2-108 . Assistants for state court administrator -- Appointment of trial court**  
469 **executives.**

470 (1) The state court administrator, with the approval of the presiding officer of the Judicial

471 Council, is responsible for the establishment of positions and salaries of assistants as  
 472 necessary to enable the state court administrator to perform the powers and duties vested  
 473 in the state court administrator by this chapter, including the positions of appellate court  
 474 administrator, business and chancery court administrator, district court administrator,  
 475 juvenile court administrator, and justice court administrator.

476 (2) The state court administrator shall appoint an appellate court administrator, a business  
 477 and chancery court administrator, a district court administrator, a juvenile court  
 478 administrator, and a justice court administrator with the concurrence of the respective  
 479 boards as established by the Judicial Council.

480 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, the  
 481 state court administrator shall, with the approval of the presiding officer of the Judicial  
 482 Council, establish a salary and position for a constitutional court administrator.

483 [~~3~~] (4)(a) The district court administrator, with the concurrence of the presiding judge  
 484 of a district or the district court judge in single judge districts, may appoint a trial  
 485 court executive in each district.

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

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

491 [~~4~~] (5) Administrators and assistants appointed under this section are known collectively  
 492 as the Administrative Office of the Courts.

493 Section 12. Section **78A-2-110** is amended to read:

494 **78A-2-110 . Databases for judicial boards.**

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

499 (a) the constitution;

500 (b) statute;

501 (c) judicial order;

502 (d) any justice or judge;

503 (e) the Judicial Council;

504 (f) the state court administrator[;] ;

- 505           (g) a district court administrator[;] ;  
506           (h) a trial court executive[; or] ;  
507           (i) a business and chancery court administrator;  
508           (j) a constitutional court administrator if Chapter 5b, Constitutional Court, takes effect as  
509                described in Section 78A-5b-102; or  
510           ~~(g)~~ (k) any clerk or administrator in the judicial branch of state government.
- 511       (2) The Judicial Council shall designate an individual from the Judicial Council's staff to  
512           maintain a computerized database containing information about all judicial boards.
- 513       (3) The individual designated to maintain the database shall:
- 514           (a) ensure that the database contains:
- 515               (i) the name of the judicial board;
- 516               (ii) the statutory or constitutional authority for the creation of the judicial board;
- 517               (iii) the court or other judicial entity under whose jurisdiction the judicial board  
518                   operates or with which the judicial board is affiliated, if any;
- 519               (iv) the name, address, gender, telephone number, and county of each individual  
520                   currently serving on the judicial board, along with a notation of all vacant or  
521                   unfilled positions;
- 522               (v) the title of the position held by the individual who appointed each member of the  
523                   judicial board;
- 524               (vi) the length of the term to which each member of the judicial board was appointed  
525                   and the month and year that each judicial board member's term expires;
- 526               (vii) the organization, interest group, profession, local government entity, or  
527                   geographic area that the member of the judicial board represents, if any;
- 528               (viii) whether or not the judicial board allocates state or federal funds and the amount  
529                   of those funds allocated during the last fiscal year;
- 530               (ix) whether the judicial board is a policy board or an advisory board;
- 531               (x) whether or not the judicial board has or exercises rulemaking authority; and
- 532               (xi) any compensation and expense reimbursement that members of the executive  
533                   board are authorized to receive;
- 534           (b) make the information contained in the database available to the public upon request;
- 535           (c) cooperate with other entities of state government to publish the data or useful  
536               summaries of the data;
- 537           (d) prepare, publish, and distribute an annual report by April 1 of each year that  
538               includes, as of March 1 of that year:

- 539 (i) the total number of judicial boards;
- 540 (ii) the name of each of those judicial boards and the court, council, administrator,
- 541 executive, or clerk under whose jurisdiction the executive board operates or with
- 542 which the judicial board is affiliated, if any;
- 543 (iii) for each court, council, administrator, executive, or clerk, the total number of
- 544 judicial boards under the jurisdiction of or affiliated with that court, council,
- 545 administrator, executive, or clerk;
- 546 (iv) the total number of members for each of those judicial boards;
- 547 (v) whether each board is a policymaking board or an advisory board and the total
- 548 number of policy boards and the total number of advisory boards; and
- 549 (vi) the compensation, if any, paid to the members of each of those judicial boards;
- 550 and
- 551 (e) distribute copies of the report described in Subsection (3)(d) to:
- 552 (i) the chief justice of the Utah Supreme Court;
- 553 (ii) the state court administrator;
- 554 (iii) the governor;
- 555 (iv) the president of the Utah Senate;
- 556 (v) the speaker of the Utah House;
- 557 (vi) the Office of Legislative Research and General Counsel; and
- 558 (vii) any other persons who request a copy of the annual report.

559 Section 13. Section **78A-2-113** is amended to read:

560 **78A-2-113 . Judicial hiring freeze authorized.**

- 561 (1) As used in this section, "General Fund budget deficit" means a situation where General
- 562 Fund appropriations made by the Legislature for a fiscal year exceed the estimated
- 563 revenues adopted by the Executive Appropriations Committee of the Legislature for the
- 564 General Fund in that fiscal year.
- 565 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of
- 566 the House of Representatives, and chief justice of the Supreme Court, may, by
- 567 unanimous vote, implement a judicial hiring freeze for judicial vacancies for:
- 568 (a) a juvenile court district with three or more juvenile court judges;
- 569 (b) a district court district with three or more district court judges;
- 570 (c) all Business and Chancery Court judges;
- 571 (d) all Constitutional Court judges if Chapter 5b, Constitutional Court, takes effect as
- 572 described in Section 78A-5b-102;

- 573           ~~[(d)]~~ (e) all appellate court judges; or  
574           ~~[(e)]~~ (f) any combination of Subsections (2)(a) through ~~[(d)]~~ (e).  
575       (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker  
576           of the House, and chief justice of the Supreme Court shall:  
577           (a) establish the length of that hiring freeze; and  
578           (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of  
579               the annual general session of the Legislature.

580           Section 14. Section **78A-2-301** is amended to read:

581           **78A-2-301 . Civil fees of the courts of record -- Courts complex design.**

- 582       (1)(a) The fee for filing any civil complaint or petition invoking the jurisdiction of a  
583           court of record not governed by another subsection is \$375.  
584       (b) The fee for filing a complaint or petition is:  
585           (i) \$90 if the claim for damages or amount in interpleader exclusive of court costs,  
586               interest, and attorney fees is \$2,000 or less;  
587           (ii) \$200 if the claim for damages or amount in interpleader exclusive of court costs,  
588               interest, and attorney fees is greater than \$2,000 and less than \$10,000;  
589           (iii) \$375 if the claim for damages or amount in interpleader is \$10,000 or more;  
590           (iv) except as provided in Subsection (1)(b)(v), \$325 if the petition is filed for an  
591               action described in Title 81, Chapter 4, Dissolution of Marriage;  
592           (v) \$35 for a petition for temporary separation described in Section 81-4-104;  
593           (vi) \$125 if the petition is for removal from the Sex, Kidnap, and Child Abuse  
594               Offender Registry under Section 53-29-204, 53-29-205, or 53-29-206; and  
595           (vii) \$35 if the petition is for guardianship and the prospective ward is the biological  
596               or adoptive child of the petitioner.  
597       (c) The fee for filing a small claims affidavit is:  
598           (i) \$60 if the claim for damages or amount in interpleader exclusive of court costs,  
599               interest, and attorney fees is \$2,000 or less;  
600           (ii) \$100 if the claim for damages or amount in interpleader exclusive of court costs,  
601               interest, and attorney fees is greater than \$2,000, but less than \$7,500; and  
602           (iii) \$185 if the claim for damages or amount in interpleader exclusive of court costs,  
603               interest, and attorney fees is \$7,500 or more.  
604       (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party  
605           complaint, or other claim for relief against an existing or joined party other than the  
606           original complaint or petition is:

- 607 (i) \$55 if the claim for relief exclusive of court costs, interest, and attorney fees is  
608 \$2,000 or less;
- 609 (ii) \$165 if the claim for relief exclusive of court costs, interest, and attorney fees is  
610 greater than \$2,000 and less than \$10,000;
- 611 (iii) \$170 if the original petition is filed under Subsection (1)(a), the claim for relief is  
612 \$10,000 or more, or the party seeks relief other than monetary damages; and
- 613 (iv) \$130 if the original petition is filed for an action described in Title 81, Chapter 4,  
614 Dissolution of Marriage.
- 615 (e) The fee for filing a small claims counter affidavit is:
- 616 (i) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is  
617 \$2,000 or less;
- 618 (ii) \$70 if the claim for relief exclusive of court costs, interest, and attorney fees is  
619 greater than \$2,000, but less than \$7,500; and
- 620 (iii) \$120 if the claim for relief exclusive of court costs, interest, and attorney fees is  
621 \$7,500 or more.
- 622 (f) The fee for depositing funds under Section 57-1-29 when not associated with an  
623 action already before the court is determined under Subsection (1)(b) based on the  
624 amount deposited.
- 625 (g) The fee for filing a petition is:
- 626 (i) \$240 for trial de novo of an adjudication of the justice court or of the small claims  
627 department; and
- 628 (ii) \$80 for an appeal of a municipal administrative determination in accordance with  
629 Section 10-3-703.7.
- 630 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
631 petition for writ of certiorari is \$240.
- 632 (i) The fee for filing a petition for expungement is \$150.
- 633 (j)(i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
634 allocated to and between the Judges' Contributory Retirement Trust Fund and the  
635 Judges' Noncontributory Retirement Trust Fund, as provided in Title 49, Chapter  
636 17, Judges' Contributory Retirement Act, and Title 49, Chapter 18, Judges'  
637 Noncontributory Retirement Act.
- 638 (ii) Four dollars of the fees established by Subsections (1)(a) through (i) shall be  
639 allocated by the state treasurer to be deposited into the restricted account,  
640 Children's Legal Defense Account, as provided in Section 51-9-408.

- 641 (iii) Five dollars of the fees established under Subsections (1)(a) through (e), (1)(g),  
642 and (1)(s) shall be allocated to and deposited with the Dispute Resolution Account  
643 as provided in Section 78B-6-209.
- 644 (iv) Thirty dollars of the fees established by Subsections (1)(a), (1)(b)(iii) and (iv),  
645 (1)(d)(iii) and (iv), (1)(g)(ii), (1)(h), and (1)(i) shall be allocated by the state  
646 treasurer to be deposited into the restricted account, Court Security Account, as  
647 provided in Section 78A-2-602.
- 648 (v) Twenty dollars of the fees established by Subsections (1)(b)(i) and (ii), (1)(d)(ii)  
649 and (1)(g)(i) shall be allocated by the state treasurer to be deposited into the  
650 restricted account, Court Security Account, as provided in Section 78A-2-602.
- 651 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
652 United States is \$35.
- 653 (l) The fee for filing a renewal of judgment in accordance with Section 78B-6-1801 is  
654 50% of the fee for filing an original action seeking the same relief.
- 655 (m) The fee for filing probate or child custody documents from another state is \$35.
- 656 (n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the  
657 State Tax Commission is \$30.
- 658 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this  
659 state or a judgment, order, or decree of an administrative agency, commission,  
660 board, council, or hearing officer of this state or of its political subdivisions other  
661 than the State Tax Commission, is \$50.
- 662 (o) The fee for filing a judgment by confession without action under Section 78B-5-205  
663 is \$35.
- 664 (p) The fee for filing an award of arbitration for confirmation, modification, or vacation  
665 under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an  
666 action before the court is \$35.
- 667 (q) The fee for filing a petition or counter-petition to modify a domestic relations order  
668 other than a protective order or stalking injunction is \$100.
- 669 (r) The fee for filing any accounting required by law is:
- 670 (i) \$15 for an estate valued at \$50,000 or less;
- 671 (ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;
- 672 (iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;
- 673 (iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and
- 674 (v) \$175 for an estate valued at more than \$168,000.

- 675 (s) The fee for filing a demand for a civil jury is \$250.
- 676 (t) The fee for filing a notice of deposition in this state concerning an action pending in  
677 another state under Utah Rules of Civil Procedure, Rule 30 is \$35.
- 678 (u) The fee for filing documents that require judicial approval but are not part of an  
679 action before the court is \$35.
- 680 (v) The fee for a petition to open a sealed record is \$35.
- 681 (w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in  
682 addition to any fee for a complaint or petition.
- 683 (x)(i) The fee for a petition for authorization for a minor to marry required by Section  
684 81-2-304 is \$5.
- 685 (ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7,  
686 Emancipation, is \$50.
- 687 (y) The fee for a certificate issued under Section 26B-8-128 is \$8.
- 688 (z) The fee for a certified copy of a document is \$4 per document plus 50 cents per page.
- 689 (aa) The fee for an exemplified copy of a document is \$6 per document plus 50 cents per  
690 page.
- 691 (bb) The fee for filing a notice to convene a three-judge panel described in Section  
692 78A-5-102.7 is \$1,500.
- 693 ~~[(bb)]~~ (cc) The Judicial Council shall, by rule, establish a schedule of fees for copies of  
694 documents and forms and for the search and retrieval of records under Title 63G,  
695 Chapter 2, Government Records Access and Management Act.[-] Fees under  
696 Subsection ~~[(1)(bb) and (ee)]~~ (1)(cc) and (dd) shall be credited to the court as a  
697 reimbursement of expenditures.
- 698 ~~[(ee)]~~ (dd) The Judicial Council may, by rule, establish a reasonable fee to allow  
699 members of the public to conduct a limited amount of searches on the Xchange  
700 database without having to pay a monthly subscription fee.
- 701 ~~[(dd)]~~ (ee) There is no fee for services or the filing of documents not listed in this section  
702 or otherwise provided by law.
- 703 ~~[(ee)]~~ (ff) Except as provided in this section, all fees collected under this section are paid  
704 to the General Fund. Except as provided in this section, all fees shall be paid at the  
705 time the clerk accepts the pleading for filing or performs the requested service.
- 706 ~~[(ff)]~~ (gg) The filing fees under this section may not be charged to the state, the state's  
707 agencies, or political subdivisions filing or defending any action. In judgments  
708 awarded in favor of the state, its agencies, or political subdivisions, except the Office

709 of Recovery Services, the court shall order the filing fees and collection costs to be  
710 paid by the judgment debtor. The sums collected under this Subsection [~~(+)(ff)~~]  
711 (1)(gg) shall be applied to the fees after credit to the judgment, order, fine, tax, lien,  
712 or other penalty and costs permitted by law.

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

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

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

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

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

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

735 (A) make those expenditures from unexpended and unencumbered building funds  
736 already appropriated to the Capital Projects Fund; and

737 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for  
738 under this Subsection (2).

739 (b) After June 30, 1998, the state court administrator shall ensure that all revenues  
740 representing the difference between the fees in effect after May 2, 1994, and the fees  
741 in effect before February 1, 1994, are transferred to the Division of Finance for  
742 deposit in the restricted account.

- 743 (c) The Division of Finance shall deposit all revenues received from the state court  
744 administrator into the restricted account created by this section.
- 745 (d)(i) From May 1, 1995, until June 30, 1998, the state court administrator shall  
746 transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title  
747 41, Motor Vehicles, in a court of record to the Division of Facilities Construction  
748 and Management Capital Projects Fund. The division of money pursuant to  
749 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture  
750 paid.
- 751 (ii) After June 30, 1998, the state court administrator or a municipality shall transfer  
752 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor  
753 Vehicles, in a court of record to the Division of Finance for deposit in the  
754 restricted account created by this section. The division of money pursuant to  
755 Section 78A-5-110 shall be calculated on the balance of the fine or bail forfeiture  
756 paid.
- 757 (3)(a) There is created within the General Fund a restricted account known as the State  
758 Courts Complex Account.
- 759 (b) The Legislature may appropriate money from the restricted account to the state court  
760 administrator for the following purposes only:
- 761 (i) to repay costs associated with the construction of the court complex that were  
762 funded from sources other than revenues provided for under this Subsection  
763 (3)(b)(i); and
- 764 (ii) to cover operations and maintenance costs on the court complex.
- 765 Section 15. Section **78A-4-102** is amended to read:
- 766 **78A-4-102 . Number of judges -- Terms -- Presiding judge -- Associate presiding**  
767 **judge -- Filing fees.**
- 768 (1)(a) The Court of Appeals consists of seven judges.
- 769 (b) The term of appointment to office as a judge of the Court of Appeals is until the first  
770 general election held more than three years after the effective date of the appointment.
- 771 (c) After the first term of appointment under Subsection (1)(b), the term of office of a  
772 judge of the Court of Appeals is six years and commences on the first Monday in  
773 January, next following the date of election.
- 774 (d) A judge whose term expires may serve, upon request of the Judicial Council, until a  
775 successor is appointed and qualified.
- 776 (e) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,

777 and a judge of the Court of Appeals is appointed to the Constitutional Court and does  
778 not vacate the judge's appointment to the Court of Appeals as described in Section  
779 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's  
780 term of office described in this Subsection (1) for the judge's appointment to the  
781 Court of Appeals.

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

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

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

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

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

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

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

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

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

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

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

799 (i) administer the rotation and scheduling of panels;

800 (ii) act as liaison with the Supreme Court;

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

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

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

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

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

808 Section 16. Section **78A-4-103** is amended to read:

809 **78A-4-103 . Jurisdiction of Court of Appeals.**

810 (1) As used in this section, "adjudicative proceeding" does not include a proceeding under

- 811 Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section  
812 63G-2-404.
- 813 (2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all  
814 writs and process necessary:
- 815 (a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or  
816 (b) in aid of the jurisdiction of the Court of Appeals.
- 817 (3) The Court of Appeals has original appellate jurisdiction, including original appellate  
818 jurisdiction of an interlocutory appeal, over:
- 819 (a)(i) except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as  
820 described in Section 63G-4-403, originating from:
- 821 (A) a formal adjudicative proceeding of a state agency;  
822 (B) a special adjudicative proceeding, as described in Section 19-1-301.5; or  
823 (C) a hearing before a local school board or the State Board of Education as  
824 described in Section 53G-11-515; or
- 825 (ii) except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district  
826 court review of an informal adjudicative proceeding of an agency;
- 827 (b) appeals from the district court review of:
- 828 (i) adjudicative proceedings of agencies of political subdivisions of the state or other  
829 local agencies; and
- 830 (ii) a challenge to agency action under Section 63G-3-602;
- 831 (c) appeals from the juvenile courts;
- 832 (d) interlocutory appeals from any court of record in criminal cases, except those  
833 involving a charge of a first degree or capital felony;
- 834 (e) appeals from a court of record in criminal cases, except those involving a conviction  
835 or charge of a first degree felony or capital felony;
- 836 (f) appeals from orders on petitions for extraordinary writs sought by persons who are  
837 incarcerated or serving any other criminal sentence, except for petitions constituting a  
838 challenge to a conviction of or the sentence for a first degree or capital felony;
- 839 (g) appeals from the orders on petitions for extraordinary writs challenging the decisions  
840 of the Board of Pardons and Parole except in cases involving a first degree or capital  
841 felony;
- 842 (h) appeals from district court involving domestic relations cases, including, but not  
843 limited to, divorce, annulment, property division, child custody, support, parent-time,  
844 visitation, adoption, and paternity;

- 845 (i) appeals from the Utah Military Court; and  
 846 (j) cases transferred to the Court of Appeals from the Supreme Court.
- 847 (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an  
 848 injunctive order described in Section 78B-5-1002.
- 849 (5) Notwithstanding Subsection (3), the Court of Appeals upon its own motion only and by  
 850 the vote of four judges of the court may certify to the Supreme Court for original  
 851 appellate review and determination any matter over which the Court of Appeals has  
 852 original appellate jurisdiction.
- 853 (6) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4,  
 854 Administrative Procedures Act, in the Court of Appeals's review of an agency  
 855 adjudicative proceeding.
- 856 (7) A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:  
 857 (a) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;  
 858 (b) the Court of Appeals judge is designated by the presiding officer of the Judicial  
 859 Council to sit as a member of a panel as described in Section 78A-5a-202; and  
 860 (c) a Constitutional Court judge is unable to sit on the panel due to recusal or  
 861 disqualification.

862 Section 17. Section **78A-5-102** is amended to read:

863 **78A-5-102 . Jurisdiction of the district court -- Appeals.**

- 864 (1) Except as otherwise provided by the Utah Constitution or by statute, the district court  
 865 has original jurisdiction in all matters civil and criminal.
- 866 (2) A district court judge may:
- 867 (a) issue all extraordinary writs and other writs necessary to carry into effect the district  
 868 court judge's [-]orders, judgments, and decrees; [~~and~~]
- 869 (b) preside over an action for which the Business and Chancery Court has jurisdiction if:  
 870 (i) the district court judge is designated by the presiding officer of the Judicial  
 871 Council to preside over an action in the Business and Chancery Court as described  
 872 in Section 78A-1-103.5; and  
 873 (ii) a Business and Chancery Court judge is unable to preside over the action due to  
 874 recusal or disqualification[-] ; and
- 875 (c) sit as a member of a panel for the Constitutional Court if:  
 876 (i) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;  
 877 (ii) the district court judge is designated by the presiding officer of the Judicial  
 878 Council to sit as a member of a panel as described in Section 78A-5a-202; and

- 879            (iii) a Constitutional Court judge is unable to sit on the panel due to recusal or  
880            disqualification.
- 881        (3) The district court has jurisdiction:
- 882            (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
- 883            (b) over all matters properly filed in the circuit court [~~prior to~~] before July 1, 1996;
- 884            (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
- 885            (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
- 886            (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
- 887            (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption
- 888            proceeding; and
- 889            (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
- 890            Declaratory Judgments.
- 891        (4) The district court has appellate jurisdiction over judgments and orders of the justice
- 892            court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
- 893            with Section 78A-8-106.
- 894        (5) The district court has jurisdiction to review:
- 895            (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 896            (b) a decision resulting from a formal adjudicative proceeding by the State Tax
- 897            Commission as described in Section 59-1-601;
- 898            (c) except as provided in Section 63G-4-402, a final agency action resulting from an
- 899            informal adjudicative proceeding as described in Title 63G, Chapter 4,
- 900            Administrative Procedures Act; and
- 901            (d) by trial de novo, a final order of the Department of Transportation resulting from
- 902            formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
- 903            Junkyard Control Act.
- 904        (6) The district court has original and exclusive jurisdiction over an action brought under
- 905            Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 906        (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
- 907            custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 908        (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
- 909            class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
- 910            ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 911            (a) there is no justice court with territorial jurisdiction;
- 912            (b) the offense occurred within the boundaries of the municipality in which the district

- 913 courthouse is located and that municipality has not formed, or has formed and  
 914 dissolved, a justice court; or
- 915 (c) the offense is included in an indictment or information covering a single criminal  
 916 episode alleging the commission of a felony or a class A misdemeanor by an  
 917 individual who is 18 years old or older.
- 918 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the  
 919 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if  
 920 the offense is committed by an individual who is 16 or 17 years old.
- 921 (10) The district court has subject matter jurisdiction over an action under Title 78B,  
 922 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the  
 923 district court.
- 924 (11)(a) The district court has subject matter jurisdiction over a criminal action that the  
 925 justice court transfers to the district court.
- 926 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction  
 927 over any refiled case of a criminal action transferred to the district court if the district  
 928 court dismissed the transferred case without prejudice.
- 929 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)  
 930 over a parentage action filed in the district court, the district court may transfer  
 931 jurisdiction over the parentage action to the juvenile court.
- 932 (13) The district court shall transfer an action to the Business and Chancery Court if:
- 933 (a) the district court determines transfer is required or appropriate under Utah Rules of  
 934 Civil Procedure, Rule 42; and
- 935 (b) the action meets the jurisdictional requirements of the Business and Chancery Court.
- 936 ~~[(13)]~~ (14) The Supreme Court and Court of Appeals have jurisdiction over an appeal from  
 937 a final order, judgment, and decree of the district court as described in Sections  
 938 78A-3-102 and 78A-4-103.

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

940 Section 18. Section **78A-5-102.7** is repealed and reenacted to read:

941 **78A-5-102.7 . Three-judge panel in the district court -- Requirements.**

942 (1) As used in this section:

- 943 (a) "Panel" means a panel of three district court judges that is convened under this  
 944 section to hear and decide an action.
- 945 (b)(i) "State entity" means the state or any agency, department, board, or commission  
 946 of the state.

- 947           (ii) "State entity" includes the Legislature and any committee of the Legislature.
- 948       (c) "State official" means:
- 949           (i) a member of the Legislature;
- 950           (ii) the governor;
- 951           (iii) the lieutenant governor;
- 952           (iv) a member of the governor's cabinet;
- 953           (v) the state auditor;
- 954           (vi) the state treasurer; or
- 955           (vii) the attorney general.
- 956       (2)(a) A party to a civil action may file a notice in the district court that a panel of three
- 957           district court judges shall be convened to hear and decide the civil action if the civil
- 958           action:
- 959           (i) is challenging the constitutionality of a state statute or legislation, a provision of
- 960               the Utah Constitution, an action or inaction of the Legislature, an executive order,
- 961               an administrative rule, or an inaction by the executive branch;
- 962           (ii) is seeking a declaratory judgment or injunctive relief; and
- 963           (iii) is brought against a state entity or a state official in the state official's capacity.
- 964       (b) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a
- 965           notice described in this Subsection (2).
- 966       (c) A notice to convene a panel that was filed before the effective date of this bill and
- 967           met the requirements of this section and Utah Rules of Civil Procedure, Rule 42, at
- 968           the time the notice was filed is valid.
- 969       (3)(a) Upon the filing of a notice under Subsection (2), a panel of three district court
- 970           judges shall hear and decide, by majority decision, the civil action in accordance with
- 971           this section.
- 972       (b) Each judge on a panel described in Subsection (3)(a) shall be:
- 973           (i) selected at random; and
- 974           (ii) from a different judicial district than the other judges on the panel.
- 975       (4) The panel shall adjudicate any challenge as to whether the notice to convene the panel
- 976           complied with the requirements of this section and Utah Rules of Civil Procedure, Rule
- 977           42.
- 978       (5)(a) Except as provided in Subsection (5)(b) or (c), a chief judge from the panel shall
- 979           conduct all proceedings in an action before the panel.
- 980       (b) A panel shall sit en banc for:

- 981            (i) an adjudication of a notice to convene the panel as described in Subsection (4);  
982            (ii) a discovery dispute between the parties that involves a constitutional issue or  
983            right;  
984            (iii) a trial;  
985            (iv) an order for an injunction or temporary restraining order; or  
986            (v) a motion that would dispose of the action or any claim or defense in the action.  
987            (c) Upon a party's request, or by majority vote of the panel, the panel may sit en banc for  
988            any issue before the panel.  
989            (d) A judge on a panel may concur or dissent from any decision for which the panel sits  
990            en banc.  
991            (6)(a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before  
992            a panel.  
993            (b) Any requirement in the Utah Code to file or bring an action in a specific district or  
994            county does not apply to an action before a panel.  
995            (7)(a) Before March 7, 2026, the Judicial Council shall:  
996            (i) by rule, create a process by which a district court judge is assigned to a panel by  
997            random selection, including any reassignment of a district court judge on a panel  
998            due to disqualification, recusal, or a change of judge as a matter of right; and  
999            (ii) establish and maintain a list of judges who the Judicial Council determines are  
1000            qualified to serve on a panel.  
1001            (b) The list established under Subsection (7)(a) shall consist of at least 50% of the  
1002            district court judges from each district.  
1003            (c) The Judicial Council shall post the list described in Subsection (7)(a) on the website  
1004            for the Utah state courts with information on the dates and number of times that a  
1005            judge has served on a panel.  
1006            (8) The Judicial Council shall hire a coordinator and staff to assist any panel convened  
1007            under this section.  
1008            Section 19. Section **78A-5-103** is amended to read:  
1009            **78A-5-103 . District court case management.**  
1010            (1) As used in this section:  
1011            (a) "Municipal case" means a criminal case:  
1012            (i) filed in a district court by a city attorney on behalf of a municipality;  
1013            (ii) appealed from a municipal justice court to a district court; or  
1014            (iii) transferred to a district court by a municipal justice court.

- 1015 (b) "Municipality" means the same as that term is defined in Section 10-1-104.
- 1016 (c) "Municipality's principal office" means the primary location where the municipality
- 1017 conducts official administrative business.
- 1018 [(1)] (2) The district court of each district shall develop systems of case management.
- 1019 [(2)] (3) The case management systems developed by a district court shall:
- 1020 (a) ensure judicial accountability for the just and timely disposition of cases; and
- 1021 (b) provide for each judge a full judicial [~~work load~~] workload that accommodates
- 1022 differences in the subject matter or complexity of cases assigned to different judges.
- 1023 [(3)] (4)(a) A district court may establish divisions within the court for the efficient
- 1024 management of different types of cases.[-]
- 1025 (b) The existence of divisions within the court may not:
- 1026 [(a)] (i) affect the jurisdiction of the court nor the validity of court orders; or
- 1027 [(b)] (ii) impede public access to the courts.
- 1028 (5)(a) For management of municipal cases, the presiding judge of each judicial district
- 1029 shall:
- 1030 (i) assign at least one judge to hear a municipality's municipal cases;
- 1031 (ii) ensure that the number of judges assigned to hear a municipality's cases does not
- 1032 exceed one judge for every 500 municipal cases that the municipality files,
- 1033 appeals, or transfers in the calendar year; and
- 1034 (iii) except as provided in Subsection (5)(c), ensure that each municipal case is heard
- 1035 in the closest possible location to the municipality.
- 1036 (b) The location described in Subsection (5)(a)(iii) shall be measured by driving distance
- 1037 to the municipality's principal office.
- 1038 (c) A municipal case may be heard in a location other than the location described in
- 1039 Subsection (5)(a)(iii) if the presiding judge finds good cause for the municipal case to
- 1040 be heard in a different location.
- 1041 Section 20. Section **78A-5-105** is amended to read:
- 1042 **78A-5-105 . Term of judges -- Vacancy.**
- 1043 (1)(a) [~~Judges of the district courts shall be-~~] A judge of the district court is appointed
- 1044 initially until the first general election held more than three years after the effective
- 1045 date of the appointment. [Thereafter, the]
- 1046 (b) After the first term of appointment under Subsection (1)(a), the term of office for [
- 1047 judges of the district courts] a judge of the district court is six years, and commences
- 1048 on the first Monday in January, next following the date of election.

- 1049 (2) A judge whose term expires may serve, upon request of the Judicial Council, until a  
 1050 successor is appointed and qualified.
- 1051 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,  
 1052 and a judge of the district court is appointed to the Constitutional Court and does not  
 1053 vacate the judge's appointment to the district court as described in Section 78A-5b-201,  
 1054 the appointment to the Constitutional Court does not modify the judge's term of office  
 1055 described in this section for the judge's appointment to the district court.

1056 Section 21. Section **78A-5a-301** is amended to read:

1057 **78A-5a-301 . Publication of decisions and orders.**

1058 The Business and Chancery Court shall:

- 1059 [~~(1) publish all final decisions and orders issued by the Business and Chancery Court; and]~~  
 1060 [~~(2) make all final decisions and orders public on the Utah Courts' website.~~]

- 1061 (1) publish any final decision or order issued by the Business and Chancery Court that the  
 1062 Business and Chancery Court determines would be valuable precedent or in the interest  
 1063 of the public; or
- 1064 (2) make public the final decision or order on the website for the Utah state courts.

1065 Section 22. Section **78A-5a-302** is amended to read:

1066 **78A-5a-302 . Tentative ruling before oral argument.**

1067 [~~The~~] Upon agreement by the parties or for good cause, the Business and Chancery Court  
 1068 shall provide the parties with a proposed ruling on each motion [within] at least 48 hours before  
 1069 the day on which oral argument is held on the motion.

1070 Section 23. Section **78A-5b-101** is enacted to read:

1071 **CHAPTER 5b. Constitutional Court**

1072 **Part 1. General Provisions**

1073 **78A-5b-101 . Definitions for chapter.**

1074 As used in this chapter:

- 1075 (1) "Judicial Council" means the same as that term is defined in Section 78A-2-103.
- 1076 (2)(a) "State entity" means the state or any agency, department, board, or commission of  
 1077 the state.
- 1078 (b) "State entity" includes the Legislature and any committee of the Legislature.
- 1079 (3) "State official" means:
- 1080 (a) a member of the Legislature;
- 1081 (b) the governor;

- 1082 (c) the lieutenant governor;  
 1083 (d) a member of the governor's cabinet;  
 1084 (e) the state auditor;  
 1085 (f) the state treasurer; or  
 1086 (g) the attorney general.

1087 Section 24. Section **78A-5b-102** is enacted to read:

1088 **78A-5b-102 . Effect of chapter contingent on court ruling.**

1089 This chapter only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.

1090 Section 25. Section **78A-5b-103** is enacted to read:

1091 **78A-5b-103 . Establishment of the Constitutional Court -- Organization and**

1092 **status.**

- 1093 (1) There is established the Constitutional Court for the state.  
 1094 (2) The Constitutional Court is a court of record.  
 1095 (3) The Constitutional Court is a trial court with limited and statewide jurisdiction over  
 1096 actions and claims as described in Section 78A-5b-103.  
 1097 (4) The Constitutional Court is of equal status with the district and juvenile courts and the  
 1098 Business and Chancery Court of the state.  
 1099 (5) The Constitutional Court is established as a forum for the resolution of all matters  
 1100 properly brought before the Constitutional Court and consistent with applicable  
 1101 constitutional and statutory requirements of due process.  
 1102 (6) The Constitutional Court shall have a seal.  
 1103 (7) The judges and clerks of the Constitutional Court have the power to administer oaths  
 1104 and affirmations.

1105 Section 26. Section **78A-5b-104** is enacted to read:

1106 **78A-5b-104 . Jurisdiction of the Constitutional Court -- Judgment by panel --**

1107 **District court action.**

- 1108 (1) The Constitutional Court has exclusive jurisdiction over:  
 1109 (a) a civil action filed on or after the effective date of this chapter if the civil action:  
 1110 (i) is challenging the constitutionality of a state statute or legislation, a provision of  
 1111 the Utah Constitution, an action or inaction of the Legislature, an executive order,  
 1112 an administrative rule, or an inaction by the executive branch;  
 1113 (ii) is seeking a declaratory judgment or injunctive relief; and  
 1114 (iii) is brought against a state entity or a state official in the state official's capacity.  
 1115 (b) a civil action filed before the effective date of this chapter if:

- 1116 (i) the civil action is challenging the constitutionality of a state statute or legislation, a  
 1117 provision of the Utah Constitution, an action or inaction of the Legislature, an  
 1118 executive order, an administrative rule, or an inaction by the executive branch;  
 1119 (ii) the civil action is seeking a declaratory judgment or injunctive relief;  
 1120 (iii) the civil action is brought in the district court against a state entity or a state  
 1121 official in the state official's capacity; and  
 1122 (iv) a party files a notice of removal within 45 days after the effective date of this  
 1123 chapter.

1124 (2) If a party files a notice of removal under Subsection (1)(b), the Constitutional Court  
 1125 shall adjudicate any challenge as to whether the notice of removal complied with the  
 1126 requirements of Subsection (1)(b).

1127 (3) A court shall transfer an action to the Constitutional Court if:

1128 (a) a party brings the civil action for which the Constitutional Court has exclusive  
 1129 jurisdiction under Subsection (1)(a) in the court; or

1130 (b) a party files a notice of removal under Subsection (1)(b).

1131 (4) A party to a civil action in the Constitutional Court may not seek to transfer the action  
 1132 to another trial court of this state, unless the Constitutional Court lacks jurisdiction over  
 1133 the action.

1134 Section 27. Section **78A-5b-105** is enacted to read:

1135 **78A-5b-105 . Venue for Constitutional Court.**

1136 (1) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action brought in  
 1137 the Constitutional Court.

1138 (2) Any requirement in the Utah Code to file or bring an action in a specific district or  
 1139 county does not apply to an action brought in the Constitutional Court.

1140 Section 28. Section **78A-5b-201** is enacted to read:

1141 **Part 2. Administration**

1142 **78A-5b-201 . Judges of Constitutional Court -- Terms.**

1143 (1) If a judge of the district court or Court of Appeals is appointed and confirmed to the  
 1144 Constitutional Court, the judge is not required to vacate the judge's appointment to the  
 1145 district court or Court of Appeals to serve as a judge of the Constitutional Court.

1146 (2)(a) A judge of the Constitutional Court is appointed to initially serve as a judge of the  
 1147 Constitutional Court until the first general election held more than three years after  
 1148 the day on which the appointment is effective.

1149 (b) After the initial term described in Subsection (2)(a), the term of office of a judge of

1150 the Constitutional Court is six years and commences on the first Monday in January  
 1151 following the date of election.

1152 (c) A judge of the Constitutional Court whose term expires may serve, upon request of  
 1153 the Judicial Council, until a successor is appointed and qualified.

1154 Section 29. Section **78A-5b-202** is enacted to read:

1155 **78A-5b-202 . Decision by panel.**

1156 (1) Except as provided in Subsection (2)(a), a single judge of the Constitutional Court may  
 1157 conduct all proceedings in an action before the Constitutional Court.

1158 (2)(a) The Constitutional Court shall sit en banc for:

1159 (i) an adjudication of a challenge to a notice of removal as described in Subsection  
 1160 78A-5b-104(2);

1161 (ii) a discovery dispute between the parties that involves a constitutional issue or  
 1162 right;

1163 (iii) a trial;

1164 (iv) a proceeding regarding whether to grant injunctive relief; or

1165 (v) a motion that would dispose of the action or any claim or defense in the action.

1166 (b) Upon a party's request, or by majority vote of the judges of the Constitutional Court,  
 1167 the Constitutional Court may sit en banc for any issue before the Constitutional Court.

1168 (c) A judge of the Constitutional Court may concur or dissent from any decision for  
 1169 which the Constitutional Court sits en banc.

1170 (3)(a) If a judge of the Constitutional Court is unable to participate in a trial or  
 1171 proceeding described in Subsection (2) due to recusal or disqualification, a district  
 1172 court judge or Court of Appeals judge may be assigned to sit on the panel and  
 1173 participate in the trial or proceeding.

1174 (b) The presiding officer of the Judicial Council shall designate a pool of three district  
 1175 court judges or Court of Appeals judges to be randomly assigned to the  
 1176 Constitutional Court to sit on the panel when a judge of the Constitutional Court is  
 1177 unable to sit on the panel due to recusal or disqualification.

1178 Section 30. Section **78A-5b-203** is enacted to read:

1179 **78A-5b-203 . Presiding judge -- Associate presiding judge -- Compensation --**

1180 **Powers -- Duties.**

1181 (1) The judges of the Constitutional Court shall elect a presiding judge from among the  
 1182 members of the court by majority vote of all judges.

1183 (2) The presiding judge shall receive \$2,000 per annum as additional compensation for the

- 1184 period served as presiding judge.
- 1185 (3) The presiding judge has the following authority and responsibilities, consistent with the  
1186 policies of the Judicial Council:
- 1187 (a) implementing policies of the Judicial Council; and  
1188 (b) exercising powers and performing administrative duties as authorized by the Judicial  
1189 Council.
- 1190 (4)(a) The judges of the Constitutional Court may elect an associate presiding judge  
1191 from among the members of the court by majority vote of all judges.
- 1192 (b) The associate presiding judge shall receive \$1,000 per annum as additional  
1193 compensation for the period served as associate presiding judge.
- 1194 (5)(a) When the presiding judge is unavailable, the associate presiding judge shall  
1195 assume the responsibilities of the presiding judge.
- 1196 (b) The associate presiding judge shall perform other duties assigned by the presiding  
1197 judge.
- 1198 Section 31. Section **78A-5b-204** is enacted to read:
- 1199 **78A-5b-204 . Administrative system -- Case management -- Clerk of the court --**  
1200 **Employees.**
- 1201 (1)(a) There is established the State Constitutional Court Administrative System.
- 1202 (b) The Judicial Council shall administer the operation of the State Constitutional Court  
1203 Administrative System.
- 1204 (2) The Constitutional Court shall develop a case management system that ensures judicial  
1205 accountability for the just and timely disposition of cases.
- 1206 (3) The clerk of the Constitutional Court shall:
- 1207 (a) take charge of and safely keep the court seal;  
1208 (b) take charge of and safely keep or dispose of all books, papers, and records filed or  
1209 deposited with the clerk and all other records required by law or the rules of the  
1210 Judicial Council;
- 1211 (c) issue all notices, processes, and summonses as authorized by law;  
1212 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;  
1213 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and  
1214 (f) perform other duties as required by the presiding judge, the constitutional court  
1215 administrator, applicable law, and the rules of the Judicial Council.
- 1216 (4) All employees, except judges of the Constitutional Court, are selected, promoted, and  
1217 discharged through the state court's personnel system for the Constitutional Court under

1218 the direction and rules of the Judicial Council.

1219 Section 32. Section **78A-5b-205** is enacted to read:

1220 **78A-5b-205 . Location of the Constitutional Court.**

1221 (1) The Constitutional Court may perform any of the Constitutional Court's functions in any  
1222 location within the state.

1223 (2) The Judicial Council shall provide, from appropriations made by the Legislature, court  
1224 space suitable for the conduct of court business for the Constitutional Court.

1225 (3) In order to carry out the Judicial Council's obligation to provide facilities for the  
1226 Constitutional Court, the Judicial Council may lease space to be used by the  
1227 Constitutional Court.

1228 (4) A lease or reimbursement for the Constitutional Court must comply with the standards  
1229 of the Division of Facilities Construction and Management that are applicable to state  
1230 agencies.

1231 (5) The cost of salaries, travel, and training required for the discharge of the duties of  
1232 judges, secretaries of judges or court executives, court executives, and court reporters  
1233 for the Constitutional Court are paid from appropriations made by the Legislature.

1234 Section 33. Section **78A-5b-206** is enacted to read:

1235 **78A-5b-206 . Court sessions.**

1236 The Constitutional Court shall hold court at least once in each quarter of the year.

1237 Section 34. Section **78A-10a-202** is amended to read:

1238 **78A-10a-202 . Notice of a vacancy -- Recruitment period for judicial vacancy --**  
1239 **Convening a judicial nominating commission.**

1240 (1)(a) [~~Unless a hiring freeze is implemented in accordance with Section 78A-2-113]~~

1241 Except as otherwise provided by this section, the governor shall ensure that:

1242 (i) [~~except as provided in Subsection (1)(a)(ii)]~~ if sufficient notice of a judicial  
1243 vacancy is given to the governor, the recruitment period to fill a judicial vacancy  
1244 begins 235 days before the effective date of the judicial vacancy;

1245 (ii) if sufficient notice of a judicial vacancy is not given to the governor, the  
1246 recruitment period to fill a judicial vacancy begins within 10 days after the day on  
1247 which the governor receives notice;

1248 (iii) [~~except as provided in Subsection (1)(b),~~]the recruitment period is a minimum  
1249 of at least 30 days but no more than 90 days; and

1250 (iv) the chair of the commission having authority over the vacancy convenes a  
1251 meeting no more than 10 days after the close of the recruitment period.

1252 (b) If fewer than nine applications are received for a judicial vacancy, the governor may  
 1253 extend the recruitment period described in Subsection (1)(a)(iii) up to 30 days.

1254 (2) If there is a hiring freeze implemented in accordance with Section 78A-2-113, the time  
 1255 periods described in Subsection (1) shall begin to run on the day that the hiring freeze  
 1256 ends.

1257 (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102,  
 1258 and a district court judge or Court of Appeals judge is appointed and confirmed as a  
 1259 judge of the Constitutional Court, the judge shall notify the governor as to whether the  
 1260 judge intends to vacate the judge's appointment to the district court or Court of Appeals.

1261 Section 35. Section **78A-10a-203** is amended to read:

1262 **78A-10a-203 . Procedures for judicial nomination commission -- Meetings --**  
 1263 **Certification -- Governor appointment.**

1264 (1)(a) A commission may:

1265 (i) meet as necessary to perform the commission's function; and

1266 (ii) investigate the applicants of a judicial vacancy, including seeking input from  
 1267 members and employees of the judiciary and the community.

1268 (b) A commission may consult with the Judicial Council regarding the applicants for a  
 1269 judicial vacancy.

1270 (c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and  
 1271 Public Meetings Act.

1272 (2)(a) In determining which of the applicants are the most qualified, a commission shall  
 1273 determine by a majority vote of the commissioners present which of the applicants  
 1274 best possess the ability, temperament, training, and experience that qualifies an  
 1275 applicant for the office.

1276 (b) In addition to Subsection (2)(a), the Constitutional Court Nominating Commission  
 1277 shall select applicants in accordance with the requirements described in Section  
 1278 78A-10a-606.

1279 (3)(a) Except as provided under Subsection (3)(b):

1280 (i) the [~~appellate court nominating commission~~] Appellate Court Nominating  
 1281 Commission shall certify to the governor a list of the seven most qualified  
 1282 applicants per judicial vacancy;

1283 (ii) a district and juvenile court nominating commission shall certify to the governor a  
 1284 list of the five most qualified applicants per judicial vacancy; [~~and~~]

1285 (iii) the [~~business and chancery court nominating commission~~] Business and Chancery

- 1286 Court Nominating Commission shall certify to the governor a list of the seven  
1287 most qualified applicants per judicial vacancy[-] ; and  
1288 (iv) the Constitutional Court Nominating Commission shall certify to the governor a  
1289 list of the seven most qualified applicants per judicial vacancy.
- 1290 (b) If a commission is considering applicants for more than one judicial vacancy existing  
1291 at the same time and for the same court, the commission shall include one additional  
1292 applicant for each additional judicial vacancy in the court in the list of applicants the  
1293 commission certifies to the governor.
- 1294 (4) A commission shall certify a list to the governor under Subsection (3) no more than 45  
1295 days after convening in accordance with Section 78A-10a-202.
- 1296 (5) A commission shall, at the time that the commission certifies a list of the most qualified  
1297 applicants to the governor, submit the same list to the president of the Senate, the Senate  
1298 minority leader, and the Office of Legislative Research and General Counsel.
- 1299 (6) A commission shall ensure that the list of applicants certified to the governor:  
1300 (a) meet the qualifications required by law to fill the office; and  
1301 (b) are willing to serve.
- 1302 (7) In determining which of the applicants are the most qualified, a commission may not  
1303 decline to certify an applicant's name to the governor because:  
1304 (a) the commission declined to submit that applicant's name to the governor to fill a  
1305 previous judicial vacancy;  
1306 (b) a previous commission declined to submit that applicant's name to the governor; or  
1307 (c) the commission or a previous commission submitted the applicant's name to the  
1308 governor and the governor selected another individual to fill the judicial vacancy.
- 1309 (8) A commission may not certify:  
1310 (a) an applicant who is a justice or judge that was not retained by the voters for the  
1311 office for which the justice or judge was defeated until after the expiration of that  
1312 justice's or judge's term of office; and  
1313 (b) an applicant who has served on a commission within six months after the day on  
1314 which the commission was last convened.
- 1315 (9) The governor shall fill a judicial vacancy within 30 days after the day on which the  
1316 governor received the list of nominees from the commission.
- 1317 (10) If the governor fails to fill a judicial vacancy within 30 days after the day on which the  
1318 governor received the list of nominees from the commission, the chief justice of the  
1319 Supreme Court shall, within 20 days, appoint an applicant from the list of nominees

1320 certified to the governor by the commission.

1321 Section 36. Section **78A-10a-601** is enacted to read:

1322 **Part 6. Constitutional Court Nominating Commission**

1323 **78A-10a-601 . Definitions for part.**

1324 As used in this part:

1325 (1) "Commission" means the Constitutional Court Nominating Commission created in  
1326 Section 78A-10a-602.

1327 (2) "Commissioner" means an individual appointed by the governor to serve on the  
1328 commission.

1329 Section 37. Section **78A-10a-602** is enacted to read:

1330 **78A-10a-602 . Effect of part contingent on court ruling.**

1331 This part only becomes effective if a court invalidates or enjoins Section 78A-5-102.7.

1332 Section 38. Section **78A-10a-603** is enacted to read:

1333 **78A-10a-603 . Creation of commission.**

1334 (1) There is created the Constitutional Court Nominating Commission.

1335 (2) The Constitutional Court Nominating Commission shall nominate individuals to fill  
1336 judicial vacancies on the Constitutional Court.

1337 Section 39. Section **78A-10a-604** is enacted to read:

1338 **78A-10a-604 . Membership -- Appointment -- Vacancies -- Removal.**

1339 (1) The Constitutional Court Nominating Commission shall consist of seven  
1340 commissioners, each appointed by the governor to serve a four-year term.

1341 (2) A commissioner shall:

1342 (a) be a United States citizen;

1343 (b) be a resident of Utah; and

1344 (c) serve until the commissioner's successor is appointed.

1345 (3) The governor may not appoint:

1346 (a) a commissioner to serve successive terms; or

1347 (b) a member of the Legislature to serve as a member of the commission.

1348 (4) In determining whether to appoint an individual to serve as a commissioner, the  
1349 governor shall consider whether the individual's appointment would ensure that the  
1350 commission selects applicants without any regard to partisan political consideration.

1351 (5) The governor shall appoint the chair of the commission from among the membership of  
1352 the commission.

1353 (6) The governor shall fill any vacancy in the commission caused by the expiration of a

1354 commissioner's term.

1355 (7)(a) If a commissioner is disqualified, removed, or is otherwise unable to serve, the  
 1356 governor shall appoint a replacement commissioner to fill the vacancy for the  
 1357 unexpired term.

1358 (b) A replacement commissioner appointed under Subsection (7)(a) may not be  
 1359 reappointed upon expiration of the term of service.

1360 (8) The governor may remove a commissioner from the commission at any time with or  
 1361 without cause.

1362 Section 40. Section **78A-10a-605** is enacted to read:

1363 **78A-10a-605 . Procedure -- Staff -- Rules -- Recusal.**

1364 (1) Four commissioners are a quorum.

1365 (2) The governor shall appoint a member of the governor's staff to serve as staff to the  
 1366 commission.

1367 (3) The governor shall:

1368 (a) ensure that the commission follows the rules promulgated by the State Commission  
 1369 on Criminal and Juvenile Justice under Section 78A-10a-201; and

1370 (b) resolve any questions regarding the rules described in Subsection (3)(a).

1371 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of  
 1372 interest that makes the commissioner unable to serve.

1373 Section 41. Section **78A-10a-606** is enacted to read:

1374 **78A-10a-606 . Expenses -- Per diem and travel.**

1375 A commissioner may not receive compensation or benefits for the commissioner's  
 1376 service but may receive per diem and travel expenses in accordance with:

1377 (1) Section 63A-3-106;

1378 (2) Section 63A-3-107; and

1379 (3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
 1380 63A-3-107.

1381 Section 42. Section **78A-10a-607** is enacted to read:

1382 **78A-10a-607 . Selection requirements for applicants.**

1383 (1) In selecting applicants who are the most qualified to serve on the Constitutional Court,  
 1384 the commission shall give precedence to an applicant who:

1385 (a) is a judge or justice; or

1386 (b) has previously served as a judge or justice.

1387 (2) The commission shall make every effort to select applicants for the Constitutional Court

1388 that would result in each judge on the Constitutional Court having primarily practiced  
1389 law or served as a judge in a different judicial district than the other judges on the  
1390 Constitutional Court.

1391 Section 43. Section **78A-11-102** is amended to read:

1392 **78A-11-102 . Definitions.**

1393 As used in this chapter:

1394 (1) "Commission" means the Judicial Conduct Commission established by Utah  
1395 Constitution, Article VIII, Section 13, and this chapter.

1396 (2)(a) "Complaint" includes:

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

1398 (ii) an allegation based on reliable information received in any form, from any  
1399 source, that alleges, or from which a reasonable inference can be drawn that a  
1400 judge is in violation of any provision of Utah Constitution, Article VIII, Section  
1401 13.

1402 (b) "Complaint" does not include an allegation initiated by the commission or [its] the  
1403 commission's staff.

1404 (3) "Investigation" means an inquiry into an allegation of misconduct, including a search  
1405 for and examination of evidence concerning the allegations, which begins upon the  
1406 receipt of a complaint and is completed when either the complaint is dismissed by a  
1407 majority vote of the commission or when an order is sent to the Supreme Court for its  
1408 review in accordance with Utah Constitution, Article VIII, Section 13.

1409 (4) "Judge" includes:

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

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

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

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

1414 (e) a judge of the Constitutional Court if Chapter 5b, Constitutional Court, takes effect  
1415 as described in Section 78A-5b-102;

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

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

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

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

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

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

1422 Section 44. Section **78B-3a-102** is amended to read:

1423 **78B-3a-102 . Applicability of this chapter.**

- 1424 (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall  
 1425 bring an action in accordance with the requirements of this chapter.  
 1426 (2) The requirements of this chapter do not apply to an action brought in:  
 1427 (a) the Business and Chancery Court[-] ; or  
 1428 (b) the Constitutional Court if Title 78A, Chapter 5b, Constitutional Court, takes effect  
 1429 as described in Section 78A-5b-102.

1430 Section 45. Section **78B-5-202** is amended to read:

1431 **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**  
 1432 **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**  
 1433 **support orders.**

- 1434 (1)(a) Judgments shall continue for eight years from the date of entry in a court unless  
 1435 previously satisfied, renewed, or unless enforcement of the judgment is stayed in  
 1436 accordance with law.  
 1437 (b) Entry of an order renewing a judgment:  
 1438 (i) maintains the date of the original judgment;  
 1439 (ii) maintains the priority of collection of the judgment; and  
 1440 (iii) except as explicitly provided otherwise by law or contract, begins anew the time  
 1441 limitation for an action upon the judgment.  
 1442 (2) Before July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment  
 1443 by a district court creates a lien upon the real property of the judgment debtor, not  
 1444 exempt from execution, owned or acquired during the existence of the judgment, located  
 1445 in the county in which the judgment is entered.  
 1446 (3) An abstract of judgment issued by the court in which the judgment is entered may be  
 1447 filed in any court of this state and shall have the same force and effect as a judgment  
 1448 entered in that court.  
 1449 (4) Before July 1, 1997, and after May 15, 1998, a judgment entered in a small claims  
 1450 action may not qualify as a lien upon real property unless abstracted to the district court  
 1451 and recorded in accordance with Subsection (3).  
 1452 (5)(a) If any judgment is appealed, upon deposit with the court where the notice of  
 1453 appeal is filed of cash or other security in a form and amount considered sufficient by  
 1454 the court that rendered the judgment to secure the full amount of the judgment,  
 1455 together with ongoing interest and any other anticipated damages or costs, including

- 1456 attorney fees and costs on appeal, the lien created by the judgment shall be  
1457 terminated as provided in Subsection (5)(b).
- 1458 (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court  
1459 shall enter an order terminating the lien created by the judgment and granting the  
1460 judgment creditor a perfected lien in the deposited security as of the date of the  
1461 original judgment.
- 1462 (6)(a) A child support order, including an order or judgment for guardian ad litem  
1463 attorney fees and costs, or a sum certain judgment for past due support may be  
1464 enforced:
- 1465 (i) within four years after the date the youngest child reaches majority; or  
1466 (ii) eight years from the date of entry of the sum certain judgment entered by a  
1467 tribunal.
- 1468 (b) The longer period of duration shall apply in every order.
- 1469 (c) A sum certain judgment may be renewed to extend the duration.
- 1470 (7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, ~~or~~the  
1471 Business and Chancery Court, or the Constitutional Court, becomes a lien upon real  
1472 property if:
- 1473 (i) the judgment or an abstract of the judgment containing the information identifying  
1474 the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the  
1475 office of the county recorder; or
- 1476 (ii) the judgment or an abstract of the judgment and a separate information statement  
1477 of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in  
1478 the office of the county recorder.
- 1479 (b) The judgment shall run from the date of entry by the court.
- 1480 (c) The real property subject to the lien includes all the real property of the judgment  
1481 debtor:
- 1482 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and  
1483 (ii) owned or acquired at any time by the judgment debtor during the time the  
1484 judgment is effective.
- 1485 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment  
1486 in favor of a state agency, the real property subject to the lien includes all real  
1487 property of the judgment debtor in the state.
- 1488 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
- 1489 (8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the

1490 judgment debtor in the judgment index in the office of the county recorder as  
 1491 required in Section 17-71-302.

1492 (b) A judgment containing a legal description shall also be abstracted in the appropriate  
 1493 tract index in the office of the county recorder.

1494 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the  
 1495 office of a county recorder, a person shall, in the office of the county recorder of each  
 1496 county in which an instrument creating the lien is recorded, record a document  
 1497 releasing, assigning, renewing, or extending the lien.

1498 (b) The document described in Subsection (9)(a) shall include:

1499 (i) the date of the release, assignment, renewal, or extension;

1500 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and

1501 (iii) for the county in which the document is recorded in accordance with Subsection  
 1502 (9)(a):

1503 (A) the date on which the instrument creating the lien was recorded in that  
 1504 county's office of the county recorder; and

1505 (B) in accordance with Section 57-3-106, that county recorder's entry number and  
 1506 book and page of the recorded instrument creating the judgment lien.

1507 Section 46. Section **78B-5-206** is amended to read:

1508 **78B-5-206 . Mileage allowance for judgment debtor required to appear.**

1509 (1) A judgment debtor legally required to appear before a district court~~[or]~~, the Business  
 1510 and Chancery Court, or the Constitutional Court, to answer concerning the debtor's  
 1511 property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for  
 1512 each mile actually and necessarily traveled in going only, to be paid by the judgment  
 1513 creditor at whose instance the judgment debtor was required to appear.

1514 (2) The judgment creditor is not required to make any payment for such mileage until the  
 1515 judgment debtor has actually appeared before the court.

1516 Section 47. Section **78B-5-1002** is amended to read:

1517 **78B-5-1002 . Right to an appeal of an injunctive order.**

1518 (1) As used in this section:

1519 (a) "Defendant" means a defendant in the civil action or a party affected by the  
 1520 injunctive order.

1521 (b) "Governmental entity" means the state, a county, a municipality, a special district, a  
 1522 special service district, a school district, a state institution of higher education, or any  
 1523 other political subdivision or administrative unit of the state.

- 1524 (c) "Injunctive order" means a temporary restraining order, a preliminary injunction, [a  
 1525 permanent injunction, or any order or judgment] or any order that restrains or enjoins  
 1526 the execution or enforcement of a state law or any part of a state law before entry of a  
 1527 judgment.
- 1528 (d) "Plaintiff" means the party seeking the injunctive order.
- 1529 (e) "State law" means a state statute, a provision of the Utah Constitution, or any action  
 1530 of the Legislature.
- 1531 (2) A defendant has a right in a civil action to appeal a decision by a trial court of this state  
 1532 to grant, continue, modify, or refuse to modify an injunctive order if the underlying  
 1533 claim for the injunctive order is that the state law, or any part of the state law, is  
 1534 unconstitutional on its face.
- 1535 (3) Upon an appeal described in Subsection (2), the Supreme Court shall determine whether:  
 1536 (a) the decision of the trial court is correct; and  
 1537 (b) there is a substantial likelihood that the plaintiff will prevail on the merits of the  
 1538 claim that the state law, or any part of the state law, is unconstitutional on its face.
- 1539 (4) A defendant who does not exercise the defendant's right to appeal under this section is  
 1540 not precluded from seeking an appeal of the decision upon entry of a judgment or under  
 1541 any other law for which the defendant may appeal the decision.
- 1542 [~~(4)~~] (5) If a governmental entity brings an appeal under Subsection (2), the governmental  
 1543 entity is not required to post a bond for the appeal.
- 1544 (6) The requirements for an appeal of right under the Utah Rules of Appellate Procedure  
 1545 apply to the filing of an appeal under this section.
- 1546 [~~(5)~~] (7) This section applies to an action pending in a court of this state on [~~and~~] or after  
 1547 May 7, 2025.
- 1548 Section 48. Section **78B-6-1303** is amended to read:  
 1549 **78B-6-1303 . Lis pendens -- Notice.**
- 1550 (1)(a) Any party to an action filed in the United States District Court for the District of  
 1551 Utah, the United States Bankruptcy Court for the District of Utah, a district court of  
 1552 this state, [~~or~~]the Business and Chancery Court of this state, or the Constitutional  
 1553 Court of this state that affects the title to, or the right of possession of, real property  
 1554 may file a notice of pendency of action.
- 1555 (b) A party that chooses to file a notice of pendency of action shall:  
 1556 (i) first, file the notice with the court that has jurisdiction of the action; and  
 1557 (ii) second, record a copy of the notice filed with the court with the county recorder

- 1558 in the county where the property or any portion of the property is located.
- 1559 (c) A person may not file a notice of pendency of action unless a case has been filed and
- 1560 is pending in the United States District Court for the District of Utah, the United
- 1561 States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~the
- 1562 Business and Chancery Court of this state, or the Constitutional Court of this state.
- 1563 (2) The notice shall contain:
- 1564 (a) the caption of the case, with the names of the parties and the case number;
- 1565 (b) the object of the action or defense; and
- 1566 (c) the specific legal description of only the property affected.
- 1567 (3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any
- 1568 other party in interest that may be affected by the action is considered to have
- 1569 constructive notice of pendency of action.

1570 Section 49. **Effective Date.**

1571 This bill takes effect:

- 1572 (1) except as provided in Subsection (2), May 6, 2026; or
- 1573 (2) if approved by two-thirds of all members elected to each house:
- 1574 (a) upon approval by the governor;
- 1575 (b) without the governor's signature, the day following the constitutional time limit of
- 1576 Utah Constitution, Article VII, Section 8; or
- 1577 (c) in the case of a veto, the date of veto override.

1578 Section 50. **Revisor instructions.**

1579 The Legislature intends that the Office of Legislative Research and General Counsel, in

1580 preparing the Utah Code database for publication, revise Section 78A-5-102.7 by replacing

1581 each instance of the phrase "the effective date of this bill" with the bill's actual effective date.