

Brady Brammer proposes the following substitute bill:

Judicial Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill addresses issues related to the judiciary.

Highlighted Provisions:

This bill:

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

the court;

- addresses a judicial hiring freeze for judges of the court;
- amends the jurisdiction of the district court to allow a district court judge or Court of Appeals judge to preside over an action of the court for purposes of disqualification

and recusal;

- provides that the court is a trial court with statewide jurisdiction;
- addresses the organization and status of the court;
- addresses the jurisdiction of the court;
- addresses the transfer of an action to the court;
- addresses the administration, staff, and management of the court;
- allows a district court judge or Court of Appeals judge to be appointed to the court without vacating the judge's appointment to the district court or Court of Appeals;
- addresses the location and facilities of the court;
- addresses the selection process for judges of the court, including the creation of the Constitutional Court Nominating Commission; and
- makes changes to provisions regarding judgments, mileage, and lis pendens to address the creation of the court;
- clarifies the right to appeal for an injunction of a state law; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

83 ENACTS:

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

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

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

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

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

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

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

103 REPEALS AND REENACTS:

104 **78A-5-102.7**, as enacted in 2026 H.B. 392

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

106 **78A-5-102.7**, as enacted in 2026 H.B. 392

107

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

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

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

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

112 (a) "Court" means:

113 (i) the district court;

114 (ii) the justice court;

115 (iii) the Business and Chancery Court; or

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

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

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

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

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

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

129 (iii) costs;

130 (iv) attorney fees; and

(v) other amounts allowed by law and ordered by the court.

(3)(a) Except as otherwise provided by law, or as governed by Subsection (4), all other final civil and criminal judgments of [~~the district court, the justice court, and the Business and Chancery Court~~] a court shall bear interest at the federal postjudgment interest rate as of January 1 of each year, plus 2%.

(b) The [~~postjudgment interest rate~~] interest rate described in Subsection (3)(a) that is in effect at the time of the judgment shall remain the interest rate for the duration of the judgment.

(c) The interest on criminal judgments shall be calculated on the total amount of the judgment.

(d) Interest paid on state revenue shall be deposited in accordance with Section 63A-3-505.

(e) Interest paid on revenue to a county or municipality shall be paid [~~to~~] into the general fund of the county or municipality.

(4) A judgment under \$10,000 in an action regarding the purchase of goods and services shall bear interest from the date on which the [~~district court, the justice court, or the Business and Chancery Court~~] court enters the judgment at 10% plus the federal postjudgment interest rate in effect on January 1 of the year in which the judgment is entered.

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

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

(1)(a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

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

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

(2)(a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

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

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

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

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

209 Yes ()

210 No ()."]

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

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

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

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

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

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

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

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

232 As used in this chapter:

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

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

(a) the Utah Supreme Court;

(b) the Utah Court of Appeals;

(c) a district court;

(d) a juvenile court; [or]

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 100% for a juvenile court judge;

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

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

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

(e) 110% for a Supreme Court justice.

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

Constitutional Court is 5% of the salary for a district court judge during the time period in which the judge remains a district court judge.

(b) If a Court of Appeals judge is a Constitutional Court judge, the judge's salary for the Constitutional Court is 5% of the salary for a district court judge during the time period in which the judge remains a Court of Appeals judge.

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

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

(i) Section 78A-3-101;

(ii) Section 78A-4-102;

(iii) Section 78A-5-106;

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

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

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

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

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

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

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

(a) the Supreme Court;

(b) the Court of Appeals;

(c) the Business and Chancery Court;

(d) the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;

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

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

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

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

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

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

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

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

(b) Second Judicial District, which includes Weber, Davis, and Morgan Counties;

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

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

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

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

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

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

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

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

(1) The Judicial Council is composed of:

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

(2) The Judicial Council shall have a seal.

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

(b) The chief justice shall vote only in the case of a tie.

(4)(a) All members of the Judicial Council shall serve for three-year terms.

(b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent group shall elect a member to complete the term of office.

(c) In courts having more than one member, the members shall be elected to staggered terms.

(d) The individual elected by the Board of Commissioners under Subsection ~~[(1)(h)]~~ (1)(i) may complete a three-year term of office on the Judicial Council even though the individual ceases to be a member or ex officio member of the Board of Commissioners.

(e) The individual elected by the Board of Commissioners under Subsection ~~[(1)(h)]~~ (1)(i) shall be an active member of the Utah State Bar in good standing for the entire term of the Judicial Council.

(f) Elections are held under rules made by the Judicial Council.

(5)(a) The Judicial Council is responsible for the development of uniform administrative policy for the courts throughout the state.

(b) The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the Judicial Council and for the general management of the courts, with the aid of the state court administrator.

(c) The Judicial Council has authority and responsibility to:

(i) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and

(ii) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an annual report of the operations of the courts, which shall include financial and statistical data and may include suggestions and recommendations for legislation.

(6) The Judicial Council shall establish standards for the operation of the courts of the state, including facilities, court security, support services, and staff levels for judicial and support personnel.

(7) The Judicial Council shall by rule:

(a) establish the time and manner for destroying court records, including computer records; and

(b) establish retention periods for court records.

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

(i) establish the Office of Guardian Ad Litem in accordance with [~~Title 78A, Chapter 2, Part 8, Guardian Ad Litem~~] Chapter 2, Part 8, Guardian Ad Litem; and

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

(b) The Guardian Ad Litem Oversight Committee described in Subsection (14)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (14)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.

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

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

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

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

(1) the state court administrator shall:

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

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

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

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

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

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

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

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

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

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

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

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

(a) the constitution;

(b) statute;

(c) judicial order;

(d) any justice or judge;

(e) the Judicial Council;

(f) the state court administrator[;] ;

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

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

(i) a business and chancery court administrator;

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

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

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

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

(a) ensure that the database contains:

(i) the name of the judicial board;

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

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

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

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

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

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

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

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

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

50% of the fee for filing an original action seeking the same relief.

(m) The fee for filing probate or child custody documents from another state is \$35.

(n)(i) The fee for filing an abstract or transcript of judgment, order, or decree of the State Tax Commission is \$30.

(ii) The fee for filing an abstract or transcript of judgment of a court of law of this state or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing officer of this state or of its political subdivisions other than the State Tax Commission, is \$50.

(o) The fee for filing a judgment by confession without action under Section 78B-5-205 is \$35.

(p) The fee for filing an award of arbitration for confirmation, modification, or vacation under Title 78B, Chapter 11, Utah Uniform Arbitration Act, that is not part of an action before the court is \$35.

(q) The fee for filing a petition or counter-petition to modify a domestic relations order other than a protective order or stalking injunction is \$100.

(r) The fee for filing any accounting required by law is:

(i) \$15 for an estate valued at \$50,000 or less;

(ii) \$30 for an estate valued at \$75,000 or less but more than \$50,000;

(iii) \$50 for an estate valued at \$112,000 or less but more than \$75,000;

(iv) \$90 for an estate valued at \$168,000 or less but more than \$112,000; and

(v) \$175 for an estate valued at more than \$168,000.

(s) The fee for filing a demand for a civil jury is \$250.

(t) The fee for filing a notice of deposition in this state concerning an action pending in another state under Utah Rules of Civil Procedure, Rule 30 is \$35.

(u) The fee for filing documents that require judicial approval but are not part of an action before the court is \$35.

(v) The fee for a petition to open a sealed record is \$35.

(w) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in addition to any fee for a complaint or petition.

(x)(i) The fee for a petition for authorization for a minor to marry required by Section 81-2-304 is \$5.

(ii) The fee for a petition for emancipation of a minor provided in Title 80, Chapter 7, Emancipation, is \$50.

(y) The fee for a certificate issued under Section 26B-8-128 is \$8.

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

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

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

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

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

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

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

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

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

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

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

743 paid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) administer the rotation and scheduling of panels;

(ii) act as liaison with the Supreme Court;

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

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

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

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

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

Section 15. Section **78A-4-103** is amended to read:

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

(1) As used in this section, "adjudicative proceeding" does not include a proceeding under Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section 63G-2-404.

(2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:

(a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or

(b) in aid of the jurisdiction of the Court of Appeals.

(3) The Court of Appeals has original appellate jurisdiction, including original appellate jurisdiction of an interlocutory appeal, over:

(a)(i) except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as described in Section 63G-4-403, originating from:

(A) a formal adjudicative proceeding of a state agency;

(B) a special adjudicative proceeding, as described in Section 19-1-301.5; or

(C) a hearing before a local school board or the State Board of Education as

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

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

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

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

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

879 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
880 with Section 78A-8-106.

881 (5) The district court has jurisdiction to review:

882 (a) a municipal administrative proceeding as described in Section 10-3-703.7;

883 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
884 Commission as described in Section 59-1-601;

885 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
886 informal adjudicative proceeding as described in Title 63G, Chapter 4,
887 Administrative Procedures Act; and

888 (d) by trial de novo, a final order of the Department of Transportation resulting from
889 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
890 Junkyard Control Act.

891 (6) The district court has original and exclusive jurisdiction over an action brought under
892 Title 63G, Chapter 7, Governmental Immunity Act of Utah.

893 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
894 custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).

895 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
896 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
897 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:

898 (a) there is no justice court with territorial jurisdiction;

899 (b) the offense occurred within the boundaries of the municipality in which the district
900 courthouse is located and that municipality has not formed, or has formed and
901 dissolved, a justice court; or

902 (c) the offense is included in an indictment or information covering a single criminal
903 episode alleging the commission of a felony or a class A misdemeanor by an
904 individual who is 18 years old or older.

905 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the
906 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if
907 the offense is committed by an individual who is 16 or 17 years old.

908 (10) The district court has subject matter jurisdiction over an action under Title 78B,
909 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the
910 district court.

911 (11)(a) The district court has subject matter jurisdiction over a criminal action that the
912 justice court transfers to the district court.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(c) "State official" means:

(i) a member of the Legislature;

(ii) the governor;

(iii) the lieutenant governor;

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

(v) the state auditor;

(vi) the state treasurer; or

(vii) the attorney general.

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

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

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

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

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

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

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

(5)(a)(i) Except as provided in Subsection (5)(b), management of municipal cases, the presiding judge of each judicial district shall:

(A) assign at least one judge to hear a municipality's municipal cases;

(B) ensure that the number of judges assigned to hear a municipality's municipal cases does not exceed one judge for every 500 municipal cases that the municipality files, appeals, or transfers in the calendar year; and

(C) except as provided in Subsection (5)(a)(iii), ensure that each municipal case is heard in the closest possible location to the municipality.

(ii) The location described in Subsection (5)(a)(i)(C) shall be measured by driving distance to the municipality's principal office.

(iii) A municipal case may be heard in a location other than the location described in Subsection (5)(a)(i)(C) if the presiding judge finds good cause for the municipal case to be heard in a different location.

(b) The requirements described in Subsection (5)(a) do not apply to the management of a municipality's municipal cases if the municipality and the presiding judge of the judicial district enter into a memorandum of understanding that specifies a different arrangement for managing the municipality's municipal cases.

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

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

(1)(a) ~~[Judges of the district courts shall be]~~ A judge of the district court is appointed initially until the first general election held more than three years after the effective date of the appointment. [Thereafter, the]

(b) After the first term of appointment under Subsection (1)(a), the term of office for [judges of the district courts] a judge of the district court is six years, and commences on the first Monday in January, next following the date of election.

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

(3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a judge of the district court is appointed to the Constitutional Court and does not vacate the judge's appointment to the district court as described in Section 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's term of office described in this section for the judge's appointment to the district court.

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

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

[The Business and Chancery Court shall:]

~~[(1) publish all final decisions and orders issued by the Business and Chancery Court; and]~~

~~[(2) make all final decisions and orders public on the Utah Courts' website.]~~ The Business and Chancery Court shall publish on the website for the Utah state courts any final decision or order issued by the Business and Chancery Court that the Business and Chancery Court determines would be valuable precedent or in the interest of the public.

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

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

[The Business and Chancery Court shall provide the parties with a proposed ruling on each motion within 48 hours before the day on which oral argument is held on the motion.]

Within 48 hours before the day on which oral argument is held, the Business and Chancery Court:

(1) shall provide the parties with a proposed ruling on each dispositive motion; and

(2) may provide a proposed ruling on any other type of motion.

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

CHAPTER 5b. Constitutional Court

Part 1. General Provisions

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

As used in this chapter:

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

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

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

(3) "State official" means:

(a) a member of the Legislature;

(b) the governor;

(c) the lieutenant governor;

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

(e) the state auditor;

(f) the state treasurer; or

(g) the attorney general.

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

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

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

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

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

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

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

78A-5b-104 . Jurisdiction of the Constitutional Court -- Judgment by panel -- District court action.

- (1) The Constitutional Court has exclusive jurisdiction over:
 - (a) a civil action filed on or after the effective date of this chapter if the civil action:
 - (i) is challenging the constitutionality of a state statute or legislation, a provision of the Utah Constitution, an action or inaction of the Legislature, an executive order, an administrative rule, or an inaction by the executive branch;
 - (ii) is seeking a declaratory judgment or injunctive relief; and
 - (iii) is brought against a state entity or a state official in the state official's capacity.
 - (b) a civil action filed before the effective date of this chapter if:
 - (i) the civil action is challenging the constitutionality of a state statute or legislation, a provision of the Utah Constitution, an action or inaction of the Legislature, an executive order, an administrative rule, or an inaction by the executive branch;
 - (ii) the civil action is seeking a declaratory judgment or injunctive relief;
 - (iii) the civil action is brought in the district court against a state entity or a state official in the state official's capacity; and
 - (iv) a party files a notice of removal within 45 days after the effective date of this

chapter.

- (2) If a party files a notice of removal under Subsection (1)(b), the Constitutional Court shall adjudicate any challenge as to whether the notice of removal complied with the requirements of Subsection (1)(b).
- (3) A court shall transfer an action to the Constitutional Court if:
- (a) a party brings the civil action for which the Constitutional Court has exclusive jurisdiction under Subsection (1)(a) in the court; or
- (b) a party files a notice of removal under Subsection (1)(b).
- (4) A party to a civil action in the Constitutional Court may not seek to transfer the action to another trial court of this state, unless the Constitutional Court lacks jurisdiction over the action.

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

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

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

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

Part 2. Administration

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

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

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

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

- (1) Except as provided in Subsection (2)(a), a single judge of the Constitutional Court may

conduct all proceedings in an action before the Constitutional Court.

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

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

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

(iii) a trial;

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

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

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

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

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

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

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

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

Powers -- Duties.

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

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

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

(a) implementing policies of the Judicial Council; and

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

(4)(a) The judges of the Constitutional Court may elect an associate presiding judge

1184 from among the members of the court by majority vote of all judges.

1185 (b) The associate presiding judge shall receive \$1,000 per annum as additional
1186 compensation for the period served as associate presiding judge.

1187 (5)(a) When the presiding judge is unavailable, the associate presiding judge shall
1188 assume the responsibilities of the presiding judge.

1189 (b) The associate presiding judge shall perform other duties assigned by the presiding
1190 judge.

1191 Section 30. Section **78A-5b-204** is enacted to read:

1192 **78A-5b-204 . Administrative system -- Case management -- Clerk of the court --**
1193 **Employees.**

1194 (1)(a) There is established the State Constitutional Court Administrative System.

1195 (b) The Judicial Council shall administer the operation of the State Constitutional Court
1196 Administrative System.

1197 (2) The Constitutional Court shall develop a case management system that ensures judicial
1198 accountability for the just and timely disposition of cases.

1199 (3) The clerk of the Constitutional Court shall:

1200 (a) take charge of and safely keep the court seal;

1201 (b) take charge of and safely keep or dispose of all books, papers, and records filed or
1202 deposited with the clerk and all other records required by law or the rules of the
1203 Judicial Council;

1204 (c) issue all notices, processes, and summonses as authorized by law;

1205 (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;

1206 (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and

1207 (f) perform other duties as required by the presiding judge, the constitutional court
1208 administrator, applicable law, and the rules of the Judicial Council.

1209 (4) All employees, except judges of the Constitutional Court, are selected, promoted, and
1210 discharged through the state court's personnel system for the Constitutional Court under
1211 the direction and rules of the Judicial Council.

1212 Section 31. Section **78A-5b-205** is enacted to read:

1213 **78A-5b-205 . Location of the Constitutional Court.**

1214 (1) The Constitutional Court may perform any of the Constitutional Court's functions in any
1215 location within the state.

1216 (2) The Judicial Council shall provide, from appropriations made by the Legislature, court
1217 space suitable for the conduct of court business for the Constitutional Court.

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

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

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

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

78A-5b-206 . Court sessions.

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

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

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

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

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

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

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

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

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

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

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

(3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a district court judge or Court of Appeals judge is appointed and confirmed as a

judge of the Constitutional Court, the judge shall notify the governor as to whether the judge intends to vacate the judge's appointment to the district court or Court of Appeals.

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

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

(1)(a) A commission may:

- (i) meet as necessary to perform the commission's function; and
- (ii) investigate the applicants of a judicial vacancy, including seeking input from members and employees of the judiciary and the community.

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

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

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

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

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

- (i) ~~the [appellate court nominating commission]~~ Appellate Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy;
- (ii) a district and juvenile court nominating commission shall certify to the governor a list of the five most qualified applicants per judicial vacancy; ~~[and]~~
- (iii) ~~the [business and chancery court nominating commission]~~ Business and Chancery Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy~~[-]~~ ; and
- (iv) the Constitutional Court Nominating Commission shall certify to the governor a list of the seven most qualified applicants per judicial vacancy.

(b) If a commission is considering applicants for more than one judicial vacancy existing at the same time and for the same court, the commission shall include one additional applicant for each additional judicial vacancy in the court in the list of applicants the

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

1314 Section 35. Section **78A-10a-601** is enacted to read:

1315 **Part 6. Constitutional Court Nominating Commission**

1316 **78A-10a-601 . Definitions for part.**

1317 As used in this part:

- 1318 (1) "Commission" means the Constitutional Court Nominating Commission created in
- 1319 Section 78A-10a-602.

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

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

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

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

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

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

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

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

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

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

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

(2) A commissioner shall:

(a) be a United States citizen;

(b) be a resident of Utah; and

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

(3) The governor may not appoint:

(a) a commissioner to serve successive terms; or

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

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

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

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

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

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

(8) The governor may remove a commissioner from the commission at any time with or

without cause.

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

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

(1) Four commissioners are a quorum.

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

(3) The governor shall:

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

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

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

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

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

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

(1) Section 63A-3-106;

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

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

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

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

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

(a) is a judge or justice; or

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

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

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

78A-11-102 . Definitions.

As used in this chapter:

(1) "Commission" means the Judicial Conduct Commission established by Utah

Constitution, Article VIII, Section 13, and this chapter.

(2)(a) "Complaint" includes:

(i) a written complaint against a judge; or

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

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

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

(4) "Judge" includes:

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

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

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

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

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

(f) a district court judge[;] ;

(g) an active senior judge[;] ;

(h) a juvenile court judge[;] ;

(i) a justice court judge[;] ;

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

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

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

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

(1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall bring an action in accordance with the requirements of this chapter.

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

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

(b) an action brought in the Constitutional Court if Title 78A, Chapter 5b, Constitutional

1422 Court, takes effect as described in Section 78A-5b-102.

1423 Section 44. Section **78B-5-202** is amended to read:

1424 **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**
1425 **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**
1426 **support orders.**

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

attorney fees and costs, or a sum certain judgment for past due support may be enforced:

- (i) within four years after the date the youngest child reaches majority; or
- (ii) eight years from the date of entry of the sum certain judgment entered by a tribunal.

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

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

(7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, ~~[or]~~the Business and Chancery Court, or the Constitutional Court, becomes a lien upon real property if:

- (i) the judgment or an abstract of the judgment containing the information identifying the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the office of the county recorder; or
- (ii) the judgment or an abstract of the judgment and a separate information statement of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in the office of the county recorder.

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

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

- (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
- (ii) owned or acquired at any time by the judgment debtor during the time the judgment is effective.

(d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment in favor of a state agency, the real property subject to the lien includes all real property of the judgment debtor in the state.

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

(8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the judgment debtor in the judgment index in the office of the county recorder as required in Section 17-71-302.

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

(9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the office of a county recorder, a person shall, in the office of the county recorder of each county in which an instrument creating the lien is recorded, record a document

releasing, assigning, renewing, or extending the lien.

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

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

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(d) "Plaintiff" means the party seeking the injunctive order.

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

- (2) A defendant has a right in a civil action to appeal a decision by a trial court of this state to grant, continue, modify, or refuse to modify an injunctive order if the underlying claim for the injunctive order is that the state law, or any part of the state law, is unconstitutional on its face.
- (3) Upon an appeal described in Subsection (2), the Supreme Court shall determine whether:
- (a) the decision of the trial court is correct; and
 - (b) there is a substantial likelihood that the plaintiff will prevail on the merits of the claim that the state law, or any part of the state law, is unconstitutional on its face.
- (4) A defendant who does not exercise the defendant's right to appeal under this section is not precluded from seeking an appeal of the decision upon entry of a judgment or under any other law for which the defendant may appeal the decision.
- ~~[(4)]~~ (5) If a governmental entity brings an appeal under Subsection (2), the governmental entity is not required to post a bond for the appeal.
- (6) The requirements for an appeal of right under the Utah Rules of Appellate Procedure apply to the filing of an appeal under this section.
- ~~[(5)]~~ (7) This section applies to an action pending in a court of this state on ~~[and]~~ or after May 7, 2025.
- Section 47. Section **78B-6-1303** is amended to read:
- 78B-6-1303 . Lis pendens -- Notice.**
- (1)(a) Any party to an action filed in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~ the Business and Chancery Court of this state, or the Constitutional Court of this state that affects the title to, or the right of possession of, real property may file a notice of pendency of action.
- (b) A party that chooses to file a notice of pendency of action shall:
- (i) first, file the notice with the court that has jurisdiction of the action; and
 - (ii) second, record a copy of the notice filed with the court with the county recorder in the county where the property or any portion of the property is located.
- (c) A person may not file a notice of pendency of action unless a case has been filed and is pending in the United States District Court for the District of Utah, the United States Bankruptcy Court for the District of Utah, a district court of this state, ~~[or]~~ the Business and Chancery Court of this state, or the Constitutional Court of this state.
- (2) The notice shall contain:
- (a) the caption of the case, with the names of the parties and the case number;

(b) the object of the action or defense; and

(c) the specific legal description of only the property affected.

- (3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any other party in interest that may be affected by the action is considered to have constructive notice of pendency of action.

Section 48. Effective Date.

This bill takes effect:

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

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

(a) upon approval by the governor;

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

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

Section 49. Revisor instructions.

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