

Constitutional Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor:

LONG TITLE**General Description:**

This bill creates the Constitutional Court.

Highlighted Provisions:

This bill:

- establishes the Constitutional Court (court);
- addresses the postjudgment interest rate for judgments of the court;
- addresses retention elections for judges of the court, including the ballot language for a retention election;
- 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;
- defines terms related to the court;
- 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 of the court, including:
 - the terms for judges of the court;

- the presiding judge and associate presiding judge of the court; and
- 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;
- makes changes to provisions regarding judgments, mileage, and lis pendens to address the creation of the court; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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
- 78A-2-108**, as last amended by Laws of Utah 2023, Chapter 394
- 78A-2-110**, as last amended by Laws of Utah 2023, Chapter 394
- 78A-2-113**, as last amended by Laws of Utah 2023, Chapter 394
- 78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276
- 78A-4-103**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3
- 78A-5-102**, as last amended by Laws of Utah 2025, Chapter 426
- 78A-5-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 78A-6-102**, as last amended by Laws of Utah 2022, Chapter 335
- 78A-10a-202**, as enacted by Laws of Utah 2023, Chapter 250
- 78A-10a-203**, as enacted by Laws of Utah 2023, Chapter 250 and last amended by

Coordination Clause, Laws of Utah 2023, Chapter 250

78A-11-102, as last amended by Laws of Utah 2023, Chapter 394

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

78B-5-202, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

78B-5-206, as last amended by Laws of Utah 2023, Chapter 401

78B-6-1303, as last amended by Laws of Utah 2023, Chapter 401

ENACTS:

78A-1-103.7, Utah Code Annotated 1953

78A-5b-101, Utah Code Annotated 1953

78A-5b-102, Utah Code Annotated 1953

78A-5b-103, Utah Code Annotated 1953

78A-5b-104, Utah Code Annotated 1953

78A-5b-201, Utah Code Annotated 1953

78A-5b-202, Utah Code Annotated 1953

78A-5b-203, Utah Code Annotated 1953

78A-5b-204, Utah Code Annotated 1953

78A-5b-205, Utah Code Annotated 1953

78A-5b-206, Utah Code Annotated 1953

78A-10a-601, Utah Code Annotated 1953

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

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

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

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

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

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

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

15-1-4 . Interest on judgments.

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

(a) "Court" means the district court, the justice court, the Business and Chancery Court, or the Constitutional Court.

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

(2)(a) Except as provided in Subsection (2)(b), a judgment rendered on a lawful contract

shall conform to the contract and shall bear the interest agreed upon by the parties, which shall be specified in the judgment.

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

- (i) the total of the principal balance of the deferred deposit loan;
- (ii) interest at the rate imposed by the deferred deposit loan agreement for a period not exceeding 10 weeks as provided in Subsection 7-23-401(4);
- (iii) costs;
- (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 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

(ii) pay a filing fee of \$50.

(b)(i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) 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

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3)(a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, ~~and~~ judges of the Business and Chancery Court, and judges of the Constitutional Court declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention

election:

(i) in the nonpartisan section of the ballot; and

(ii) in accordance with Section 20A-6-109.

(4)(a) At the general election, the ballots shall contain:

(i) at the beginning of the judicial retention section of the ballot, the following statement:

"Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and

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

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

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

~~Yes ()~~

~~No ()."]~~

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

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

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

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

(7)(a) If a justice court judge is standing for retention for one or more judicial offices in a county in which the judge is a county justice court judge or a municipal justice court judge in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the election officer shall place the

judge's name on the county ballot only once for all judicial offices for which the judge seeks to be retained.

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

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

63G-23-102 . Definitions.

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.
- (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;
- (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;
- ~~[(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] and the Constitutional Court are 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.

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;
- ~~[(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.

- 303 (2) The Judicial Council shall have a seal.
- 304 (3)(a) The chief justice of the Supreme Court shall act as presiding officer of the Judicial
305 Council and chief administrative officer for the courts.
- 306 (b) The chief justice shall vote only in the case of a tie.
- 307 (4)(a) All members of the Judicial Council shall serve for three-year terms.
- 308 (b) If a Judicial Council member should die, resign, retire, or otherwise fail to complete
309 a term of office, the appropriate constituent group shall elect a member to complete
310 the term of office.
- 311 (c) In courts having more than one member, the members shall be elected to staggered
312 terms.
- 313 (d) The individual elected by the Board of Commissioners under Subsection [~~(1)(h)~~] (1)(i)
314 may complete a three-year term of office on the Judicial Council even though the
315 individual ceases to be a member or ex officio member of the Board of
316 Commissioners.
- 317 (e) The individual elected by the Board of Commissioners under Subsection [~~(1)(h)~~] (1)(i)
318 shall be an active member of the Utah State Bar in good standing for the entire term
319 of the Judicial Council.
- 320 (f) Elections are held under rules made by the Judicial Council.
- 321 (5)(a) The Judicial Council is responsible for the development of uniform administrative
322 policy for the courts throughout the state.
- 323 (b) The presiding officer of the Judicial Council is responsible for the implementation of
324 the policies developed by the Judicial Council and for the general management of the
325 courts, with the aid of the state court administrator.
- 326 (c) The Judicial Council has authority and responsibility to:
- 327 (i) establish and assure compliance with policies for the operation of the courts,
328 including uniform rules and forms; and
- 329 (ii) publish and submit to the governor, the chief justice of the Supreme Court, and
330 the Legislature an annual report of the operations of the courts, which shall
331 include financial and statistical data and may include suggestions and
332 recommendations for legislation.
- 333 (6) The Judicial Council shall establish standards for the operation of the courts of the state,
334 including facilities, court security, support services, and staff levels for judicial and
335 support personnel.
- 336 (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;

- 405 (j) establish uniform policy concerning vacations and sick leave for judges and
- 406 nonjudicial officers of the courts;
- 407 (k) establish uniform hours for court sessions throughout the state;
- 408 (l) when necessary for administrative reasons, change the county for trial of any case if
- 409 no party to the litigation files timely objections to this change;
- 410 (m)(i) organize and administer a program of continuing education for judges and
- 411 support staff, including training for justice court judges; and
- 412 (ii) ensure that any training or continuing education described in Subsection (1)(m)(i)
- 413 complies with Title 63G, Chapter 22, State Training and Certification
- 414 Requirements;
- 415 (n) provide for an annual meeting for each level of the courts of record and the annual
- 416 judicial conference; and
- 417 (o) perform other duties as assigned by the presiding officer of the Judicial Council; and
- 418 (2) with the consent of the presiding officer of the Judicial Council, the state court
- 419 administrator may:
- 420 (a) call and appoint a justice or judge of a court of record to serve temporarily as a judge
- 421 of the Court of Appeals, the Business and Chancery Court, the Constitutional Court,
- 422 a district court, or a juvenile court; and
- 423 (b) set reasonable compensation for the service of a justice or judge under Subsection
- 424 (2)(a).

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

426 **78A-2-108 . Assistants for state court administrator -- Appointment of trial court**
 427 **executives.**

- 428 (1) The state court administrator, with the approval of the presiding officer of the Judicial
- 429 Council, is responsible for the establishment of positions and salaries of assistants as
- 430 necessary to enable the state court administrator to perform the powers and duties vested
- 431 in the state court administrator by this chapter, including the positions of appellate court
- 432 administrator, business and chancery court administrator, constitutional court
- 433 administrator, district court administrator, juvenile court administrator, and justice court
- 434 administrator.
- 435 (2) The state court administrator shall appoint an appellate court administrator, a business
- 436 and chancery court administrator, a constitutional court administrator, a district court
- 437 administrator, a juvenile court administrator, and a justice court administrator with the
- 438 concurrence of the respective boards as established by the Judicial Council.

- 439 (3)(a) The district court administrator, with the concurrence of the presiding judge of a
440 district or the district court judge in single judge districts, may appoint a trial court
441 executive in each district.
- 442 (b) The trial court executive may appoint, subject to budget limitations, necessary
443 support personnel including clerks, research clerks, secretaries, and other persons
444 required to carry out the work of the court.
- 445 (c) The trial court executive shall supervise the work of all nonjudicial court staff and
446 serve as administrative officer of the district.
- 447 (4) Administrators and assistants appointed under this section are known collectively as the
448 Administrative Office of the Courts.

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

450 **78A-2-110 . Databases for judicial boards.**

- 451 (1) As used in this section, "judicial board" means any judicial branch board, commission,
452 council, committee, working group, task force, study group, advisory group, or other
453 body with a defined limited membership that is created to operate for more than six
454 months by:
- 455 (a) the constitution;
456 (b) statute;
457 (c) judicial order;
458 (d) any justice or judge;
459 (e) the Judicial Council;
460 (f) the state court administrator, a district court administrator, trial court executive, ~~[or]~~a
461 business and chancery court administrator, or a constitutional court administrator; or
462 (g) any clerk or administrator in the judicial branch of state government.
- 463 (2) The Judicial Council shall designate an individual from the Judicial Council's staff to
464 maintain a computerized database containing information about all judicial boards.
- 465 (3) The individual designated to maintain the database shall:
- 466 (a) ensure that the database contains:
- 467 (i) the name of the judicial board;
468 (ii) the statutory or constitutional authority for the creation of the judicial board;
469 (iii) the court or other judicial entity under whose jurisdiction the judicial board
470 operates or with which the judicial board is affiliated, if any;
471 (iv) the name, address, gender, telephone number, and county of each individual
472 currently serving on the judicial board, along with a notation of all vacant or

- 473 unfilled positions;
- 474 (v) the title of the position held by the individual who appointed each member of the
475 judicial board;
- 476 (vi) the length of the term to which each member of the judicial board was appointed
477 and the month and year that each judicial board member's term expires;
- 478 (vii) the organization, interest group, profession, local government entity, or
479 geographic area that the member of the judicial board represents, if any;
- 480 (viii) whether or not the judicial board allocates state or federal funds and the amount
481 of those funds allocated during the last fiscal year;
- 482 (ix) whether the judicial board is a policy board or an advisory board;
- 483 (x) whether or not the judicial board has or exercises rulemaking authority; and
- 484 (xi) any compensation and expense reimbursement that members of the executive
485 board are authorized to receive;
- 486 (b) make the information contained in the database available to the public upon request;
- 487 (c) cooperate with other entities of state government to publish the data or useful
488 summaries of the data;
- 489 (d) prepare, publish, and distribute an annual report by April 1 of each year that
490 includes, as of March 1 of that year:
- 491 (i) the total number of judicial boards;
- 492 (ii) the name of each of those judicial boards and the court, council, administrator,
493 executive, or clerk under whose jurisdiction the executive board operates or with
494 which the judicial board is affiliated, if any;
- 495 (iii) for each court, council, administrator, executive, or clerk, the total number of
496 judicial boards under the jurisdiction of or affiliated with that court, council,
497 administrator, executive, or clerk;
- 498 (iv) the total number of members for each of those judicial boards;
- 499 (v) whether each board is a policymaking board or an advisory board and the total
500 number of policy boards and the total number of advisory boards; and
- 501 (vi) the compensation, if any, paid to the members of each of those judicial boards;
502 and
- 503 (e) distribute copies of the report described in Subsection (3)(d) to:
- 504 (i) the chief justice of the Utah Supreme Court;
- 505 (ii) the state court administrator;
- 506 (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, 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;
 - ~~[(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-4-102** is amended to read:

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

- (1)(a) The Court of Appeals consists of seven judges.
- (b) The term of appointment to office as a judge of the Court of Appeals is until the first general election held more than three years after the effective date of the appointment.
- (c) After the first term of appointment under Subsection (1)(b), the term of office of a judge of the Court of Appeals is six years and commences on the first Monday in January, next following the date of election.
- (d) A judge whose term expires may serve, upon request of the Judicial Council, until a

541 successor is appointed and qualified.

542 (e) If a judge of the Court of Appeals is appointed to the Constitutional Court and does
543 not vacate the judge's appointment to the Court of Appeals as described in Section
544 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's
545 term of office described in this Subsection (1) for the judge's appointment to the
546 Court of Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

573 Section 14. Section **78A-4-103** is amended to read:

574 **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 described in Section 53G-11-515; or
 - (ii) except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district court review of an informal adjudicative proceeding of an agency;
 - (b) appeals from the district court review of:
 - (i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and
 - (ii) a challenge to agency action under Section 63G-3-602;
 - (c) appeals from the juvenile courts;
 - (d) interlocutory appeals from any court of record in criminal cases, except those involving a charge of a first degree or capital felony;
 - (e) appeals from a court of record in criminal cases, except those involving a conviction or charge of a first degree felony or capital felony;
 - (f) appeals from orders on petitions for extraordinary writs sought by persons who are incarcerated or serving any other criminal sentence, except for petitions constituting a challenge to a conviction of or the sentence for a first degree or capital felony;
 - (g) appeals from the orders on petitions for extraordinary writs challenging the decisions of the Board of Pardons and Parole except in cases involving a first degree or capital felony;
 - (h) appeals from district court involving domestic relations cases, including, but not limited to, divorce, annulment, property division, child custody, support, parent-time,

- visitation, adoption, and paternity;
- (i) appeals from the Utah Military Court; and
- (j) cases transferred to the Court of Appeals from the Supreme Court.
- (4) The Court of Appeals does not have appellate jurisdiction over an appeal of an injunctive order described in Section 78B-5-1002.
- (5) Notwithstanding Subsection (3), the Court of Appeals upon its own motion only and by the vote of four judges of the court may certify to the Supreme Court for original appellate review and determination any matter over which the Court of Appeals has original appellate jurisdiction.
- (6) The Court of Appeals shall comply with the requirements of Title 63G, Chapter 4, Administrative Procedures Act, in the Court of Appeals's review of an agency adjudicative proceeding.
- (7) A Court of Appeals judge may sit as a member of a panel for the Constitutional Court if:
- (a) the Court of Appeals judge is designated by the presiding officer of the Judicial Council to sit as a member of a panel as described in Section 78A-5a-202; and
- (b) a Constitutional Court judge is unable to sit on the panel due to recusal or disqualification.
- Section 15. Section **78A-5-102** is amended to read:
- 78A-5-102 . Jurisdiction of the district court -- Appeals.**
- (1) Except as otherwise provided by the Utah Constitution or by statute, the district court has original jurisdiction in all matters civil and criminal.
- (2) A district court judge may:
- (a) issue all extraordinary writs and other writs necessary to carry into effect the district court judge's [-]orders, judgments, and decrees; [~~and~~]
- (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
- (i) the district court judge is designated by the presiding officer of the Judicial Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5; and
- (ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or disqualification[-] ; and
- (c) sit as a member of a panel for the Constitutional Court if:
- (i) the district court judge is designated by the presiding officer of the Judicial Council to sit as a member of a panel as described in Section 78A-5a-202; and
- (ii) a Constitutional Court judge is unable to sit on the panel due to recusal or

- 643 disqualification.
- 644 (3) The district court has jurisdiction:
- 645 (a) over matters of lawyer discipline consistent with the rules of the Supreme Court;
- 646 (b) over all matters properly filed in the circuit court prior to July 1, 1996;
- 647 (c) to enforce foreign protective orders as described in Subsection 78B-7-303(8);
- 648 (d) to enjoin a violation of Title 58, Chapter 37, Utah Controlled Substances Act;
- 649 (e) over a petition seeking to terminate parental rights as described in Section 81-13-205;
- 650 (f) except as provided in Subsection 78A-6-103(2)(a)(xiv) or (xv), over an adoption
- 651 proceeding; and
- 652 (g) to issue a declaratory judgment as described in Title 78B, Chapter 6, Part 4,
- 653 Declaratory Judgments.
- 654 (4) The district court has appellate jurisdiction over judgments and orders of the justice
- 655 court as outlined in Section 78A-7-118 and small claims appeals filed in accordance
- 656 with Section 78A-8-106.
- 657 (5) The district court has jurisdiction to review:
- 658 (a) a municipal administrative proceeding as described in Section 10-3-703.7;
- 659 (b) a decision resulting from a formal adjudicative proceeding by the State Tax
- 660 Commission as described in Section 59-1-601;
- 661 (c) except as provided in Section 63G-4-402, a final agency action resulting from an
- 662 informal adjudicative proceeding as described in Title 63G, Chapter 4,
- 663 Administrative Procedures Act; and
- 664 (d) by trial de novo, a final order of the Department of Transportation resulting from
- 665 formal and informal adjudicative proceedings under Title 72, Chapter 7, Part 2,
- 666 Junkyard Control Act.
- 667 (6) The district court has original and exclusive jurisdiction over an action brought under
- 668 Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- 669 (7) The district court has exclusive jurisdiction to modify a juvenile court's permanent
- 670 custody and guardianship order as described in Subsection 78A-6-357(3)(e)(ii).
- 671 (8) Notwithstanding Section 78A-7-106, the district court has original jurisdiction over a
- 672 class B misdemeanor, a class C misdemeanor, an infraction, or a violation of an
- 673 ordinance for which a justice court has original jurisdiction under Section 78A-7-106 if:
- 674 (a) there is no justice court with territorial jurisdiction;
- 675 (b) the offense occurred within the boundaries of the municipality in which the district
- 676 courthouse is located and that municipality has not formed, or has formed and

dissolved, a justice court; or

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

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

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

(11)(a) The district court has subject matter jurisdiction over a criminal action that the 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 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.

Section 16. Section **78A-5-105** is amended to read:

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

(1) ~~[Judges of the district courts shall be]~~

~~(a) 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 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 17. 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)(a) "Injunctive order" means a temporary restraining order, a preliminary injunction, a permanent injunction, or any order or judgment that restrains or enjoins the execution or enforcement of a state law or any part of a state law.

(b) "Injunctive order" does not include an extraordinary writ under the original jurisdiction of the district court or Supreme Court.

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

(3) "Significant public importance" means a case in which the outcome would impact a significant number of the citizens of Utah.

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

Section 18. Section **78A-5b-102** is enacted to read:

78A-5b-102 . 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 19. Section **78A-5b-103** is enacted to read:

78A-5b-103 . Exclusive jurisdiction of the Constitutional Court -- Judgment by

panel -- District court action.

- (1) The Constitutional Court has exclusive jurisdiction over:
- (a) a civil action where a party is challenging the constitutionality of a state law and is seeking an injunctive order; or
- (b) a civil action in which the attorney general or the Legislature has filed a notice of removal to the Constitutional Court as described in Subsection (2).
- (2) The attorney general or Legislature has a right to file a notice of removal to the Constitutional Court in any civil action of significant public importance that is filed in a district court of this state.
- (3)(a) A court shall transfer an action to the Constitutional Court if:
- (i) a party brings the civil action described in Subsection (1)(a) in the court; or
- (ii) the court is a district court and the attorney general or Legislature files a notice of removal to the Constitutional Court.
- (b) Subsection (3)(a) includes any civil action that is on remittitur from the Supreme Court or Court of Appeals.
- (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.
- (5) This section applies to a civil action pending in a court of this state on and after January 1, 2027.

Section 20. Section **78A-5b-104** is enacted to read:

78A-5b-104 . 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 21. 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 (1)(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 22. 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 a trial, a proceeding regarding an injunctive order, or any motion that would dispose of the action or any claim or defense in the action.

(b) 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 23. 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 from among the members of the court by majority vote of all judges.

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

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

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

Section 24. Section **78A-5b-204** is enacted to read:

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

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

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

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

(3) The clerk of the Constitutional Court shall:

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

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

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

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

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

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

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

Section 25. Section **78A-5b-205** is enacted to read:

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

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

(2) The Judicial Council shall provide, from appropriations made by the Legislature, court 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 26. 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 27. Section **78A-6-102** is amended to read:

78A-6-102 . Establishment of juvenile court -- Organization and status of court --

Purpose.

(1) There is established a juvenile court for the state.

(2)(a) The juvenile court is a court of record.

(b) The juvenile court shall have a seal.

(c) The juvenile court's judges, clerks, and referees have the power to administer oaths and affirmations.

(d) The juvenile court has the authority to issue search warrants, subpoenas, or investigative subpoenas under Section 80-2a-202, Part 4a, Adult Criminal Proceedings, Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title 80, Chapter 4, Termination and Restoration of Parental Rights, and Title 80, Chapter 6, Juvenile Justice, for the same purposes and in the same manner as described in Title 77, Utah Code of Criminal Procedure, and the Utah Rules of Criminal Procedure, for the issuance of search warrants, subpoenas, or investigative subpoenas in other trial courts in the state.

(3) The juvenile court is of equal status with the district courts, the Business and Chancery Court, and the Constitutional Court of the state.

(4) The juvenile court is established as a forum for the resolution of all matters properly brought before the juvenile court, consistent with applicable constitutional and statutory

requirements of due process.

(5) The purpose of the court under this chapter is to:

- (a) promote public safety and individual accountability by the imposition of appropriate sanctions on persons who have committed acts in violation of law;
- (b) order appropriate measures to promote guidance and control, preferably in the minor's own home, as an aid in the prevention of future unlawful conduct and the development of responsible citizenship;
- (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who have committed acts bringing them within the court's jurisdiction;
- (d) adjudicate matters that relate to minors who are beyond parental or adult control and to establish appropriate authority over these minors by means of placement and control orders;
- (e) adjudicate matters that relate to abused, neglected, and dependent children and to provide care and protection for minors by placement, protection, and custody orders;
- (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety, may not otherwise be adequately safeguarded; and
- (g) consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and strengthen family ties.

Section 28. 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

- 914 extend the recruitment period described in Subsection (1)(a)(iii) up to 30 days.
- 915 (2) If there is a hiring freeze implemented in accordance with Section 78A-2-113, the time
- 916 periods described in Subsection (1) shall begin to run on the day that the hiring freeze
- 917 ends.
- 918 (3) If a district court judge or Court of Appeals judge is appointed and confirmed as a judge
- 919 of the Constitutional Court, the judge shall notify the governor as to whether the judge
- 920 intends to vacate the judge's appointment to the district court or Court of Appeals.

921 Section 29. Section **78A-10a-203** is amended to read:

922 **78A-10a-203 . Procedures for judicial nomination commission -- Meetings --**

923 **Certification -- Governor appointment.**

- 924 (1)(a) A commission may:
- 925 (i) meet as necessary to perform the commission's function; and
- 926 (ii) investigate the applicants of a judicial vacancy, including seeking input from
- 927 members and employees of the judiciary and the community.
- 928 (b) A commission may consult with the Judicial Council regarding the applicants for a
- 929 judicial vacancy.
- 930 (c) A commission is exempt from the requirements of Title 52, Chapter 4, Open and
- 931 Public Meetings Act.
- 932 (2)(a) In determining which of the applicants are the most qualified, a commission shall
- 933 determine by a majority vote of the commissioners present which of the applicants
- 934 best possess the ability, temperament, training, and experience that qualifies an
- 935 applicant for the office.
- 936 (b) In addition to Subsection (2)(a), the Constitutional Court Nominating Commission
- 937 shall select applicants in accordance with the requirements described in Section
- 938 78A-10a-606.
- 939 (3)(a) Except as provided under Subsection (3)(b):
- 940 (i) the [~~appellate court nominating commission~~] Appellate Court Nominating
- 941 Commission shall certify to the governor a list of the seven most qualified
- 942 applicants per judicial vacancy;
- 943 (ii) a district and juvenile court nominating commission shall certify to the governor a
- 944 list of the five most qualified applicants per judicial vacancy; [~~and~~]
- 945 (iii) the [~~business and chancery court nominating commission~~] Business and Chancery
- 946 Court Nominating Commission shall certify to the governor a list of the seven
- 947 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 commission certifies to the governor.

(4) A commission shall certify a list to the governor under Subsection (3) no more than 45 days after convening in accordance with Section 78A-10a-202.

(5) A commission shall, at the time that the commission certifies a list of the most qualified applicants to the governor, submit the same list to the president of the Senate, the Senate minority leader, and the Office of Legislative Research and General Counsel.

(6) A commission shall ensure that the list of applicants certified to the governor:

- (a) meet the qualifications required by law to fill the office; and
- (b) are willing to serve.

(7) In determining which of the applicants are the most qualified, a commission may not decline to certify an applicant's name to the governor because:

- (a) the commission declined to submit that applicant's name to the governor to fill a previous judicial vacancy;
- (b) a previous commission declined to submit that applicant's name to the governor; or
- (c) the commission or a previous commission submitted the applicant's name to the governor and the governor selected another individual to fill the judicial vacancy.

(8) A commission may not certify:

- (a) an applicant who is a justice or judge that was not retained by the voters for the office for which the justice or judge was defeated until after the expiration of that justice's or judge's term of office; and
- (b) an applicant who has served on a commission within six months after the day on which the commission was last convened.

(9) The governor shall fill a judicial vacancy within 30 days after the day on which the governor received the list of nominees from the commission.

(10) If the governor fails to fill a judicial vacancy within 30 days after the day on which the governor received the list of nominees from the commission, the chief justice of the Supreme Court shall, within 20 days, appoint an applicant from the list of nominees certified to the governor by the commission.

Section 30. Section **78A-10a-601** is enacted to read:

Part 6. Constitutional Court Nominating Commission

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

As used in this part:

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

Section 31. Section **78A-10a-602** is enacted to read:

78A-10a-602 . 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 32. Section **78A-10a-603** is enacted to read:

78A-10a-603 . 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

1016 reappointed upon expiration of the term of service.

1017 (8) The governor may remove a commissioner from the commission at any time with or
1018 without cause.

1019 Section 33. Section **78A-10a-604** is enacted to read:

1020 **78A-10a-604 . Procedure -- Staff -- Rules -- Recusal.**

1021 (1) Four commissioners are a quorum.

1022 (2) The governor shall appoint a member of the governor's staff to serve as staff to the
1023 commission.

1024 (3) The governor shall:

1025 (a) ensure that the commission follows the rules promulgated by the State Commission
1026 on Criminal and Juvenile Justice under Section 78A-10a-201; and

1027 (b) resolve any questions regarding the rules described in Subsection (3)(a).

1028 (4) A commissioner who is a licensed attorney may recuse oneself if there is a conflict of
1029 interest that makes the commissioner unable to serve.

1030 Section 34. Section **78A-10a-605** is enacted to read:

1031 **78A-10a-605 . Expenses -- Per diem and travel.**

1032 A commissioner may not receive compensation or benefits for the commissioner's
1033 service but may receive per diem and travel expenses in accordance with:

1034 (1) Section 63A-3-106;

1035 (2) Section 63A-3-107; and

1036 (3) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
1037 63A-3-107.

1038 Section 35. Section **78A-10a-606** is enacted to read:

1039 **78A-10a-606 . Selection requirements for applicants.**

1040 (1) In selecting applicants who are the most qualified to serve on the Constitutional Court,
1041 the commission shall give precedence to an applicant who:

1042 (a) is a judge or justice; or

1043 (b) has previously served as a judge or justice.

1044 (2) The commission shall make every effort to select applicants for the Constitutional Court
1045 that would result in each judge on the Constitutional Court having primarily practiced
1046 law or served as a judge in a different judicial district than the other judges on the
1047 Constitutional Court.

1048 Section 36. Section **78A-11-102** is amended to read:

1049 **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 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;
 - (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 37. 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 an action brought in:
- (a) the Business and Chancery Court[;] ; or
 - (b) the Constitutional Court.

Section 38. Section **78B-5-202** is amended to read:

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

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

- 1118 (i) within four years after the date the youngest child reaches majority; or
1119 (ii) eight years from the date of entry of the sum certain judgment entered by a
1120 tribunal.
- 1121 (b) The longer period of duration shall apply in every order.
- 1122 (c) A sum certain judgment may be renewed to extend the duration.
- 1123 (7)(a) After July 1, 2002, a judgment entered by a district court, a justice court, ~~or~~ the
1124 Business and Chancery Court, or the Constitutional Court, becomes a lien upon real
1125 property if:
- 1126 (i) the judgment or an abstract of the judgment containing the information identifying
1127 the judgment debtor as described in Subsection 78B-5-201(4)(b) is recorded in the
1128 office of the county recorder; or
- 1129 (ii) the judgment or an abstract of the judgment and a separate information statement
1130 of the judgment creditor as described in Subsection 78B-5-201(5) is recorded in
1131 the office of the county recorder.
- 1132 (b) The judgment shall run from the date of entry by the court.
- 1133 (c) The real property subject to the lien includes all the real property of the judgment
1134 debtor:
- 1135 (i) in the county in which the recording under Subsection (7)(a)(i) or (ii) occurs; and
1136 (ii) owned or acquired at any time by the judgment debtor during the time the
1137 judgment is effective.
- 1138 (d) If the judgment that gives rise to a lien described in Subsection (7)(a) is a judgment
1139 in favor of a state agency, the real property subject to the lien includes all real
1140 property of the judgment debtor in the state.
- 1141 (e) State agencies are exempt from the recording requirement of Subsection (7)(a).
- 1142 (8)(a) A judgment referred to in Subsection (7) shall be entered under the name of the
1143 judgment debtor in the judgment index in the office of the county recorder as
1144 required in Section 17-71-302.
- 1145 (b) A judgment containing a legal description shall also be abstracted in the appropriate
1146 tract index in the office of the county recorder.
- 1147 (9)(a) To release, assign, renew, or extend a lien created by a judgment recorded in the
1148 office of a county recorder, a person shall, in the office of the county recorder of each
1149 county in which an instrument creating the lien is recorded, record a document
1150 releasing, assigning, renewing, or extending the lien.
- 1151 (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 39. 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 40. 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;

- 1186 (b) the object of the action or defense; and
1187 (c) the specific legal description of only the property affected.
1188 (3) From the time of filing the notice, a purchaser, an encumbrancer of the property, or any
1189 other party in interest that may be affected by the action is considered to have
1190 constructive notice of pendency of action.

1191 Section 41. **Effective Date.**

1192 This bill takes effect on May 6, 2026.