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**Constitutional Court Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matt MacPherson**

Senate Sponsor:

2

**LONG TITLE**

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**General Description:**

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This bill creates the Constitutional Court.

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**Highlighted Provisions:**

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This bill:

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- ▶ 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;

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- ▶ adds a judge of the court to the definition of "public official" for Title 63G, Chapter 23,

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Property Donated to State by Public Official;

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- ▶ 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;

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- ▶ addresses a judicial hiring freeze for judges of the court;

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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;

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- ▶ 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;

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31           • the presiding judge and associate presiding judge of the court; and  
32           • staff and management of the court;  
33           ▸ allows a district court judge or Court of Appeals judge to be appointed to the court  
34 without vacating the judge's appointment to the district court or Court of Appeals;  
35           ▸ addresses the location and facilities of the court;  
36           ▸ addresses the selection process for judges of the court, including the creation of the  
37 Constitutional Court Nominating Commission;  
38           ▸ makes changes to provisions regarding judgments, mileage, and lis pendens to address the  
39 creation of the court; and  
40           ▸ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42       None

43 **Other Special Clauses:**

44       None

45 **Utah Code Sections Affected:**

46 **AMENDS:**

47       **15-1-4**, as last amended by Laws of Utah 2023, Chapter 394  
48       **20A-12-201**, as last amended by Laws of Utah 2025, Chapter 39  
49       **63G-23-102**, as last amended by Laws of Utah 2024, Chapter 158  
50       **67-8-2**, as last amended by Laws of Utah 2023, Chapter 394  
51       **78A-1-101**, as last amended by Laws of Utah 2023, Chapter 394  
52       **78A-1-102**, as last amended by Laws of Utah 2023, Chapter 394  
53       **78A-2-104**, as last amended by Laws of Utah 2023, Chapter 394  
54       **78A-2-107**, as last amended by Laws of Utah 2023, Chapter 394  
55       **78A-2-108**, as last amended by Laws of Utah 2023, Chapter 394  
56       **78A-2-110**, as last amended by Laws of Utah 2023, Chapter 394  
57       **78A-2-113**, as last amended by Laws of Utah 2023, Chapter 394  
58       **78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276  
59       **78A-4-103**, as last amended by Laws of Utah 2025, Second Special Session, Chapter 3  
60       **78A-5-102**, as last amended by Laws of Utah 2025, Chapter 426  
61       **78A-5-105**, as renumbered and amended by Laws of Utah 2008, Chapter 3  
62       **78A-6-102**, as last amended by Laws of Utah 2022, Chapter 335  
63       **78A-10a-202**, as enacted by Laws of Utah 2023, Chapter 250  
64       **78A-10a-203**, as enacted by Laws of Utah 2023, Chapter 250 and last amended by

65 Coordination Clause, Laws of Utah 2023, Chapter 250  
66 **78A-11-102**, as last amended by Laws of Utah 2023, Chapter 394  
67 **78B-3a-102**, as enacted by Laws of Utah 2023, Chapter 401  
68 **78B-5-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17  
69 **78B-5-206**, as last amended by Laws of Utah 2023, Chapter 401  
70 **78B-6-1303**, as last amended by Laws of Utah 2023, Chapter 401

71 ENACTS:

72 **78A-1-103.7**, Utah Code Annotated 1953  
73 **78A-5b-101**, Utah Code Annotated 1953  
74 **78A-5b-102**, Utah Code Annotated 1953  
75 **78A-5b-103**, Utah Code Annotated 1953  
76 **78A-5b-104**, Utah Code Annotated 1953  
77 **78A-5b-201**, Utah Code Annotated 1953  
78 **78A-5b-202**, Utah Code Annotated 1953  
79 **78A-5b-203**, Utah Code Annotated 1953  
80 **78A-5b-204**, Utah Code Annotated 1953  
81 **78A-5b-205**, Utah Code Annotated 1953  
82 **78A-5b-206**, Utah Code Annotated 1953  
83 **78A-10a-601**, Utah Code Annotated 1953  
84 **78A-10a-602**, Utah Code Annotated 1953  
85 **78A-10a-603**, Utah Code Annotated 1953  
86 **78A-10a-604**, Utah Code Annotated 1953  
87 **78A-10a-605**, Utah Code Annotated 1953  
88 **78A-10a-606**, Utah Code Annotated 1953

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

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

92 **15-1-4 . Interest on judgments.**

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

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

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

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

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

101 (b) A judgment rendered on a deferred deposit loan subject to Title 7, Chapter 23, Check  
102 Cashing and Deferred Deposit Lending Registration Act, shall bear interest at the rate  
103 imposed under Subsection (3)(a) on an amount not exceeding the sum of:  
104 (i) the total of the principal balance of the deferred deposit loan;  
105 (ii) interest at the rate imposed by the deferred deposit loan agreement for a period  
106 not exceeding 10 weeks as provided in Subsection 7-23-401(4);  
107 (iii) costs;  
108 (iv) attorney fees; and  
109 (v) other amounts allowed by law and ordered by the court.

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

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

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

119 (d) Interest paid on state revenue shall be deposited in accordance with Section  
120 63A-3-505.

121 (e) Interest paid on revenue to a county or municipality shall be paid to the general fund  
122 of the county or municipality.

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

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

129 **20A-12-201 . Judicial appointees -- Retention elections.**

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

133 (b) After the first retention election:

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

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

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

140 (i) file a declaration of candidacy with the lieutenant governor, or with the county  
141 clerk in the candidate's county of residence, within the period beginning on July 1  
142 and ending at 5 p.m. on July 15 in the year of a regular general election; and  
143

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

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

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

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

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

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

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

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

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

166 (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](http://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

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

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

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

208 **63G-23-102 . Definitions.**

209 As used in this chapter:

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

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

213 (a) the Utah Supreme Court;

214 (b) the Utah Court of Appeals;

215 (c) a district court;

216 (d) a juvenile court; [or]

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

218 (f) the Constitutional Court.

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

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

222 **67-8-2 . Salaries of judges established annually in appropriations act -- Bases of  
223 salaries -- Additional compensation.**

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

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

228 [(a) juvenile court judges: 100%:]

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

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

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

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

234 (2) Except as provided in Subsection (3), a judicial salary for a judge of a court of record

235 shall be based on the following percentage of the salary for a district court judge:

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

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

238 (c) 105% for a Constitutional Court judge;

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

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

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

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

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

249 [¶3] (4)(a) A salary described in Subsection (2) does not include additional  
250 compensation provided for a presiding judge or associate presiding judge under:

251 (i) Section 78A-3-101;

252 (ii) Section 78A-4-102;

253 (iii) Section 78A-5-106;

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

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

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

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

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

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

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

262 (a) the Supreme Court;

263 (b) the Court of Appeals;

264 (c) the Business and Chancery Court;

265 (d) the Constitutional Court;

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

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

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

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

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

271       **78A-1-102 . Trial courts of record -- Geographical divisions.**

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

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

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

275       (c) Third Judicial District, which includes Salt Lake, Summit, and Tooele Counties;

276       (d) Fourth Judicial District, which includes Utah, Wasatch, Juab, and Millard Counties;

277       (e) Fifth Judicial District, which includes Beaver, Iron, and Washington Counties;

278       (f) Sixth Judicial District, which includes Garfield, Kane, Piute, Sanpete, Sevier, and  
279           Wayne Counties;

280       (g) Seventh Judicial District, which includes Carbon, Emery, Grand, and San Juan  
281           Counties; and

282       (h) Eighth Judicial District, which includes Daggett, Duchesne, and Uintah Counties.

283 (2) The Business and Chancery Court [is] and the Constitutional Court are not divided into  
284           geographical divisions.

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

286       **78A-1-103.7 . Number of Constitutional Court judges.**

287       The Constitutional Court shall consist of three judges.

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

289       **78A-2-104 . Judicial Council -- Creation -- Members -- Terms and election --**

290       **Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.**

291 (1) The Judicial Council is composed of:

292       (a) the chief justice of the Supreme Court;

293       (b) one member elected by the justices of the Supreme Court;

294       (c) one member elected by the judges of the Court of Appeals;

295       (d) one member elected by the judges of the Business and Chancery Court;

296       (e) one member elected by the judges of the Constitutional Court;

297       [f] six members elected by the judges of the district courts;

298       [g] three members elected by the judges of the juvenile courts;

299       [h] three members elected by the justice court judges; and

300       [i] a member or ex officio member of the Board of Commissioners of the Utah State

301           Bar who is an active member of the Utah State Bar in good standing at the time of  
302           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.

(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.

(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.

(d)(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.

(d)(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.

(e) 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.

371 (13) The Judicial Council may by rule direct that a district court location be administered  
372 from another court location within the county.

373 (14)(a) The Judicial Council shall:

374 (i) establish the Office of Guardian Ad Litem in accordance with [Title 78A, Chapter  
375 2, Part 8, ~~Guardian Ad Litem~~] Chapter 2, Part 8, Guardian Ad Litem; and  
376 (ii) establish and supervise a Guardian Ad Litem Oversight Committee.

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

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

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

387 **78A-2-107 . Court administrator -- Powers, duties, and responsibilities.**

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

390 (1) the state court administrator shall:

391 (a) organize and administer all of the nonjudicial activities of the courts;  
392 (b) assign, supervise, and direct the work of the nonjudicial officers of the courts;  
393 (c) implement the standards, policies, and rules established by the Judicial Council;  
394 (d) formulate and administer a system of personnel administration, including in-service  
395 training programs;  
396 (e) prepare and administer the state judicial budget, fiscal, accounting, and procurement  
397 activities for the operation of the courts of record;  
398 (f) assist justice courts in budgetary, fiscal, and accounting procedures;  
399 (g) conduct studies of the business of the courts, including the preparation of  
400 recommendations and reports relating to the studies;  
401 (h) develop uniform procedures for the management of court business, including the  
402 management of court calendars;  
403 (i) maintain liaison with the governmental and other public and private groups having an  
404 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;

507 (iv) the president of the Utah Senate;  
508 (v) the speaker of the Utah House;  
509 (vi) the Office of Legislative Research and General Counsel; and  
510 (vii) any other persons who request a copy of the annual report.

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

512 **78A-2-113 . Judicial hiring freeze authorized.**

513 (1) As used in this section, "General Fund budget deficit" means a situation where General  
514 Fund appropriations made by the Legislature for a fiscal year exceed the estimated  
515 revenues adopted by the Executive Appropriations Committee of the Legislature for the  
516 General Fund in that fiscal year.

517 (2) During a General Fund budget deficit, the governor, president of the Senate, speaker of  
518 the House, and chief justice of the Supreme Court, may, by unanimous vote, implement  
519 a judicial hiring freeze for judicial vacancies for:  
520 (a) a juvenile court district with three or more juvenile court judges;  
521 (b) a district court district with three or more district court judges;  
522 (c) all Business and Chancery Court judges;  
523 (d) all Constitutional Court judges;  
524 [(d)] (e) all appellate court judges; or  
525 [(e)] (f) any combination of Subsections (2)(a) through [(d)] (e).

526 (3) In implementing a judicial hiring freeze, the governor, president of the Senate, speaker  
527 of the House, and chief justice of the Supreme Court shall:  
528 (a) establish the length of that hiring freeze; and  
529 (b) ensure that the hiring freeze lasts at least 90 days, but not longer than the last day of  
530 the annual general session of the Legislature.

531 Section 13. Section **78A-4-102** is amended to read:

532 **78A-4-102 . Number of judges -- Terms -- Presiding judge -- Associate presiding  
533 judge -- Filing fees.**

534 (1)(a) The Court of Appeals consists of seven judges.  
535 (b) The term of appointment to office as a judge of the Court of Appeals is until the first  
536 general election held more than three years after the effective date of the appointment.  
537 (c) After the first term of appointment under Subsection (1)(b), the term of office of a  
538 judge of the Court of Appeals is six years and commences on the first Monday in  
539 January, next following the date of election.  
540 (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.**

575 (1) As used in this section, "adjudicative proceeding" does not include a proceeding under  
576 Title 63G, Chapter 2, Part 4, Appeals, that precedes judicial review under Section  
577 63G-2-404.

578 (2) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all  
579 writs and process necessary:  
580 (a) to carry into effect the judgments, orders, and decrees of the Court of Appeals; or  
581 (b) in aid of the jurisdiction of the Court of Appeals.

582 (3) The Court of Appeals has original appellate jurisdiction, including original appellate  
583 jurisdiction of an interlocutory appeal, over:  
584 (a)(i) except as provided in Subsection 78A-3-102(4)(a)(i), a final agency action, as  
585 described in Section 63G-4-403, originating from:  
586 (A) a formal adjudicative proceeding of a state agency;  
587 (B) a special adjudicative proceeding, as described in Section 19-1-301.5; or  
588 (C) a hearing before a local school board or the State Board of Education as  
589 described in Section 53G-11-515; or  
590 (ii) except as provided in Subsection 78A-3-102(4)(a)(ii), an appeal from the district  
591 court review of an informal adjudicative proceeding of an agency;  
592 (b) appeals from the district court review of:  
593 (i) adjudicative proceedings of agencies of political subdivisions of the state or other  
594 local agencies; and  
595 (ii) a challenge to agency action under Section 63G-3-602;  
596 (c) appeals from the juvenile courts;  
597 (d) interlocutory appeals from any court of record in criminal cases, except those  
598 involving a charge of a first degree or capital felony;  
599 (e) appeals from a court of record in criminal cases, except those involving a conviction  
600 or charge of a first degree felony or capital felony;  
601 (f) appeals from orders on petitions for extraordinary writs sought by persons who are  
602 incarcerated or serving any other criminal sentence, except for petitions constituting a  
603 challenge to a conviction of or the sentence for a first degree or capital felony;  
604 (g) appeals from the orders on petitions for extraordinary writs challenging the decisions  
605 of the Board of Pardons and Parole except in cases involving a first degree or capital  
606 felony;  
607 (h) appeals from district court involving domestic relations cases, including, but not  
608 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-1-102.5, and

in Section 7(3A) 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

## disqualification.

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

677 dissolved, a justice court; or

678 (c) the offense is included in an indictment or information covering a single criminal

679 episode alleging the commission of a felony or a class A misdemeanor by an

680 individual who is 18 years old or older.

681 (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the

682 district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if

683 the offense is committed by an individual who is 16 or 17 years old.

684 (10) The district court has subject matter jurisdiction over an action under Title 78B,

685 Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the

686 district court.

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

688 justice court transfers to the district court.

689 (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction

690 over any refiled case of a criminal action transferred to the district court if the district

691 court dismissed the transferred case without prejudice.

692 (12) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i)

693 over a parentage action filed in the district court, the district court may transfer

694 jurisdiction over the parentage action to the juvenile court.

695 (13) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final

696 order, judgment, and decree of the district court as described in Sections 78A-3-102 and

697 78A-4-103.

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

699 **78A-5-105 . Term of judges -- Vacancy.**

700 (1) ~~Judges of the district courts shall be~~

701 (a) A judge of the district court is appointed initially until the first general election held

702 more than three years after the effective date of the appointment. [Thereafter, the]

703 (b) After the first term of appointment under Subsection (1)(a), the term of office for [

704 judges of the district courts] a judge of the district court is six years, and commences

705 on the first Monday in January, next following the date of election.

706 (2) A judge whose term expires may serve, upon request of the Judicial Council, until a

707 successor is appointed and qualified.

708 (3) If a judge of the district court is appointed to the Constitutional Court and does not

709 vacate the judge's appointment to the district court as described in Section 78A-5b-201,

710 the appointment to the Constitutional Court does not modify the judge's term of office

711 described in this section for the judge's appointment to the district court.

712 Section 17. Section **78A-5b-101** is enacted to read:

## 713 **CHAPTER 5b. Constitutional Court**

### 714 **Part 1. General Provisions**

#### 715 **78A-5b-101 . Definitions for chapter.**

716 As used in this chapter:

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

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

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

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

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

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

#### 728 **78A-5b-102 . Establishment of the Constitutional Court -- Organization and**

729 **status.**

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

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

732 (3) The Constitutional Court is a trial court with limited and statewide jurisdiction over  
733 actions and claims as described in Section 78A-5b-103.

734 (4) The Constitutional Court is of equal status with the district and juvenile courts and the  
735 Business and Chancery Court of the state.

736 (5) The Constitutional Court is established as a forum for the resolution of all matters  
737 properly brought before the Constitutional Court and consistent with applicable  
738 constitutional and statutory requirements of due process.

739 (6) The Constitutional Court shall have a seal.

740 (7) The judges and clerks of the Constitutional Court have the power to administer oaths  
741 and affirmations.

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

#### 743 **78A-5b-103 . Exclusive jurisdiction of the Constitutional Court -- Judgment by**

744 **panel -- District court action.**

745 (1) The Constitutional Court has exclusive jurisdiction over:

746 (a) a civil action where a party is challenging the constitutionality of a state law and is  
747 seeking an injunctive order; or

748 (b) a civil action in which the attorney general or the Legislature has filed a notice of  
749 removal to the Constitutional Court as described in Subsection (2).

750 (2) The attorney general or Legislature has a right to file a notice of removal to the

751 Constitutional Court in any civil action of significant public importance that is filed in a  
752 district court of this state.

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

754 (i) a party brings the civil action described in Subsection (1)(a) in the court; or

755 (ii) the court is a district court and the attorney general or Legislature files a notice of  
756 removal to the Constitutional Court.

757 (b) Subsection (3)(a) includes any civil action that is on remittitur from the Supreme  
758 Court or Court of Appeals.

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

762 (5) This section applies to a civil action pending in a court of this state on and after January  
763 1, 2027.

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

765 **78A-5b-104 . Venue for Constitutional Court.**

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

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

770 Section 21. Section **78A-5b-201** is enacted to read:

771 **Part 2. Administration**

772 **78A-5b-201 . Judges of Constitutional Court -- Terms.**

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

776 (2)(a) A judge of the Constitutional Court is appointed to initially serve as a judge of the  
777 Constitutional Court until the first general election held more than three years after

778 the day on which the appointment is effective.

779 (b) After the initial term described in Subsection (1)(a), the term of office of a judge of  
780 the Constitutional Court is six years and commences on the first Monday in January  
781 following the date of election.

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

784 Section 22. Section **78A-5b-202** is enacted to read:

785 **78A-5b-202 . Decision by panel.**

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

788 (2)(a) The Constitutional Court shall sit en banc for a trial, a proceeding regarding an  
789 injunctive order, or any motion that would dispose of the action or any claim or  
790 defense in the action.

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

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

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

801 Section 23. Section **78A-5b-203** is enacted to read:

802 **78A-5b-203 . Presiding judge -- Associate presiding judge -- Compensation --**  
803 **Powers -- Duties.**

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

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

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

810 (a) implementing policies of the Judicial Council; and

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

812                   Council.

813                   (4)(a) The judges of the Constitutional Court may elect an associate presiding judge  
814                   from among the members of the court by majority vote of all judges.

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

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

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

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

822                   **78A-5b-204 . Administrative system -- Case management -- Clerk of the court --**  
823                   **Employees.**

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

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

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

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

830                   (a) take charge of and safely keep the court seal;  
831                   (b) take charge of and safely keep or dispose of all books, papers, and records filed or  
832                   deposited with the clerk and all other records required by law or the rules of the  
833                   Judicial Council;  
834                   (c) issue all notices, processes, and summonses as authorized by law;  
835                   (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;  
836                   (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and  
837                   (f) perform other duties as required by the presiding judge, the constitutional court  
838                   administrator, applicable law, and the rules of the Judicial Council.

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

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

843                   **78A-5b-205 . Location of the Constitutional Court.**

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

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

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

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

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

857 Section 26. Section **78A-5b-206** is enacted to read:

858 **78A-5b-206 . Court sessions.**

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

860 Section 27. Section **78A-6-102** is amended to read:

861 **78A-6-102 . Establishment of juvenile court -- Organization and status of court --**

862 **Purpose.**

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

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

865 (b) The juvenile court shall have a seal.

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

868 (d) The juvenile court has the authority to issue search warrants, subpoenas, or  
869 investigative subpoenas under Section 80-2a-202, Part 4a, Adult Criminal  
870 Proceedings, Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, Title  
871 80, Chapter 4, Termination and Restoration of Parental Rights, and Title 80, Chapter  
872 6, Juvenile Justice, for the same purposes and in the same manner as described in  
873 Title 77, Utah Code of Criminal Procedure, and the Utah Rules of Criminal  
874 Procedure, for the issuance of search warrants, subpoenas, or investigative subpoenas  
875 in other trial courts in the state.

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

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

880 requirements of due process.

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

882 (a) promote public safety and individual accountability by the imposition of appropriate  
883 sanctions on persons who have committed acts in violation of law;

884 (b) order appropriate measures to promote guidance and control, preferably in the  
885 minor's own home, as an aid in the prevention of future unlawful conduct and the  
886 development of responsible citizenship;

887 (c) where appropriate, order rehabilitation, reeducation, and treatment for persons who  
888 have committed acts bringing them within the court's jurisdiction;

889 (d) adjudicate matters that relate to minors who are beyond parental or adult control and  
890 to establish appropriate authority over these minors by means of placement and  
891 control orders;

892 (e) adjudicate matters that relate to abused, neglected, and dependent children and to  
893 provide care and protection for minors by placement, protection, and custody orders;

894 (f) remove a minor from parental custody only where the minor's safety or welfare, or  
895 the public safety, may not otherwise be adequately safeguarded; and

896 (g) consistent with the ends of justice, act in the best interests of the minor in all cases  
897 and preserve and strengthen family ties.

898 Section 28. Section **78A-10a-202** is amended to read:

899 **78A-10a-202 . Notice of a vacancy -- Recruitment period for judicial vacancy --**

900 **Convening a judicial nominating commission.**

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

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

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

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

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

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

913 (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

948 (iv) the Constitutional Court Nominating Commission shall certify to the governor a  
949 list of the seven most qualified applicants per judicial vacancy.

950 (b) If a commission is considering applicants for more than one judicial vacancy existing  
951 at the same time and for the same court, the commission shall include one additional  
952 applicant for each additional judicial vacancy in the court in the list of applicants the  
953 commission certifies to the governor.

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

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

959 (6) A commission shall ensure that the list of applicants certified to the governor:  
960 (a) meet the qualifications required by law to fill the office; and  
961 (b) are willing to serve.

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

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

969 (8) A commission may not certify:  
970 (a) an applicant who is a justice or judge that was not retained by the voters for the  
971 office for which the justice or judge was defeated until after the expiration of that  
972 justice's or judge's term of office; and  
973 (b) an applicant who has served on a commission within six months after the day on  
974 which the commission was last convened.

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

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

981 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.**

1050           As used in this chapter:

1051       (1) "Commission" means the Judicial Conduct Commission established by Utah  
1052           Constitution Article VIII, Section 13, and this chapter.

1053       (2)(a) "Complaint" includes:

1054           (i) a written complaint against a judge; or  
1055           (ii) an allegation based on reliable information received in any form, from any  
1056           source, that alleges, or from which a reasonable inference can be drawn that a  
1057           judge is in violation of any provision of Utah Constitution Article VIII, Section 13.

1058       (b) "Complaint" does not include an allegation initiated by the commission or its staff.

1059       (3) "Investigation" means an inquiry into an allegation of misconduct, including a search  
1060           for and examination of evidence concerning the allegations, which begins upon the  
1061           receipt of a complaint and is completed when either the complaint is dismissed by a  
1062           majority vote of the commission or when an order is sent to the Supreme Court for its  
1063           review in accordance with Utah Constitution Article VIII, Section 13.

1064       (4) "Judge" includes:

1065           (a) the chief justice of the Supreme Court[,-] ;  
1066           (b) a justice of the Supreme Court[,-] ;  
1067           (c) a judge of the Court of Appeals[,-] ;  
1068           (d) a judge of the Business and Chancery Court[,-] ;  
1069           (e) a judge of the Constitutional Court;  
1070           (f) a district court judge[,-] ;  
1071           (g) an active senior judge[,-] ;  
1072           (h) a juvenile court judge[,-] ;  
1073           (i) a justice court judge[,-] ;  
1074           (j) an active senior justice court judge[,-] ; and  
1075           (k) a judge pro tempore of any court of this state.

1076           Section 37. Section **78B-3a-102** is amended to read:

1077           **78B-3a-102 . Applicability of this chapter.**

1078       (1) Except as otherwise provided by another provision of the Utah Code, a plaintiff shall  
1079           bring an action in accordance with the requirements of this chapter.

1080       (2) The requirements of this chapter do not apply to an action brought in:

1081           (a) the Business and Chancery Court[,-] ; or  
1082           (b) the Constitutional Court.

1083           Section 38. Section **78B-5-202** is amended to read:

1084           **78B-5-202 . Duration of judgment -- Judgment as a lien upon real property --**

1085           **Abstract of judgment -- Small claims judgment not a lien -- Appeal of judgment -- Child**  
1086           **support orders.**

1087           (1)(a) Judgments shall continue for eight years from the date of entry in a court unless  
1088           previously satisfied, renewed, or unless enforcement of the judgment is stayed in  
1089           accordance with law.

1090           (b) Entry of an order renewing a judgment:  
1091               (i) maintains the date of the original judgment;  
1092               (ii) maintains the priority of collection of the judgment; and  
1093               (iii) except as explicitly provided otherwise by law or contract, begins anew the time  
1094               limitation for an action upon the judgment.

1095           (2) Before July 1, 1997, except as limited by Subsections (4) and (5), the entry of judgment  
1096           by a district court creates a lien upon the real property of the judgment debtor, not  
1097           exempt from execution, owned or acquired during the existence of the judgment, located  
1098           in the county in which the judgment is entered.

1099           (3) An abstract of judgment issued by the court in which the judgment is entered may be  
1100           filed in any court of this state and shall have the same force and effect as a judgment  
1101           entered in that court.

1102           (4) Before July 1, 1997, and after May 15, 1998, a judgment entered in a small claims  
1103           action may not qualify as a lien upon real property unless abstracted to the district court  
1104           and recorded in accordance with Subsection (3).

1105           (5)(a) If any judgment is appealed, upon deposit with the court where the notice of  
1106           appeal is filed of cash or other security in a form and amount considered sufficient by  
1107           the court that rendered the judgment to secure the full amount of the judgment,  
1108           together with ongoing interest and any other anticipated damages or costs, including  
1109           attorney fees and costs on appeal, the lien created by the judgment shall be  
1110           terminated as provided in Subsection (5)(b).

1111           (b) Upon the deposit of sufficient security as provided in Subsection (5)(a), the court  
1112           shall enter an order terminating the lien created by the judgment and granting the  
1113           judgment creditor a perfected lien in the deposited security as of the date of the  
1114           original judgment.

1115           (6)(a) A child support order, including an order or judgment for guardian ad litem  
1116           attorney fees and costs, or a sum certain judgment for past due support may be  
1117           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:

1152 (i) the date of the release, assignment, renewal, or extension;

1153 (ii) the name of any judgment creditor, debtor, assignor, or assignee; and

1154 (iii) for the county in which the document is recorded in accordance with Subsection

1155 (9)(a):

1156 (A) the date on which the instrument creating the lien was recorded in that

1157 county's office of the county recorder; and

1158 (B) in accordance with Section 57-3-106, that county recorder's entry number and

1159 book and page of the recorded instrument creating the judgment lien.

1160 Section 39. Section **78B-5-206** is amended to read:

1161 **78B-5-206 . Mileage allowance for judgment debtor required to appear.**

1162 (1) A judgment debtor legally required to appear before a district court[~~or~~], the Business

1163 and Chancery Court, or the Constitutional Court to answer concerning the debtor's

1164 property is entitled, on a sufficient showing of need, to mileage of 15 cents per mile for

1165 each mile actually and necessarily traveled in going only, to be paid by the judgment

1166 creditor at whose instance the judgment debtor was required to appear.

1167 (2) The judgment creditor is not required to make any payment for such mileage until the

1168 judgment debtor has actually appeared before the court.

1169 Section 40. Section **78B-6-1303** is amended to read:

1170 **78B-6-1303 . Lis pendens -- Notice.**

1171 (1)(a) Any party to an action filed in the United States District Court for the District of

1172 Utah, the United States Bankruptcy Court for the District of Utah, a district court of

1173 this state, [~~or~~]the Business and Chancery Court of this state, or the Constitutional

1174 Court of this state that affects the title to, or the right of possession of, real property

1175 may file a notice of pendency of action.

1176 (b) A party that chooses to file a notice of pendency of action shall:

1177 (i) first, file the notice with the court that has jurisdiction of the action; and

1178 (ii) second, record a copy of the notice filed with the court with the county recorder

1179 in the county where the property or any portion of the property is located.

1180 (c) A person may not file a notice of pendency of action unless a case has been filed and

1181 is pending in the United States District Court for the District of Utah, the United

1182 States Bankruptcy Court for the District of Utah, a district court of this state, [~~or~~]the

1183 Business and Chancery Court of this state, or the Constitutional Court of this state.

1184 (2) The notice shall contain:

1185 (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.