

Judiciary Amendments

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

Sponsor:

LONG TITLE**General Description:**

This bill modifies provisions relating to the Utah Supreme Court.

Highlighted Provisions:

This bill:

- modifies provisions governing the membership and internal management of the Utah Supreme Court;
- provides that the governor shall appoint a chief justice of the Utah Supreme Court (chief justice) when a vacancy in the office occurs;
- requires that a governor's selection for chief justice is subject to the advice and consent of the Senate;
- modifies the term of office for chief justice;
- modifies provisions related to an interim chief justice and appointment procedures; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

78A-3-101, as last amended by Laws of Utah 2022, Chapter 276

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

Section 1. Section **78A-3-101** is amended to read:

78A-3-101 . Number of justices -- Terms -- Chief justice and associate chief justice -- Selection and functions.

(1) The Supreme Court consists of five justices.

- (2)(a) A justice of the Supreme Court ~~[shall be]~~ is appointed initially to serve until the first general election held more than three years after the effective date of the appointment.
- (b) After the first term of appointment under Subsection (2)(a), the term of office of a justice of the Supreme Court is 10 years and commences on the first Monday in January following the date of election.
- ~~[(c) A justice whose term expires may serve upon request of the Judicial Council until a successor is appointed and qualified.]~~
- (3)~~[(a) The justices of the Supreme Court shall elect a chief justice from among the members of the court by a majority vote of all justices.]~~
- ~~[(b) The term of the office of chief justice is four years.]~~
- ~~[(c) The chief justice may serve successive terms.]~~
- ~~[(d)]~~ (a) Upon any vacancy in the office of chief justice, including expiration of a term of the office of chief justice, or upon a chief justice's death, removal, or resignation, the governor shall appoint a chief justice from among the members of the Supreme Court, with the advice and consent of the Senate.
- (b) Except as provided in Subsection (3)(c), the term of the office of chief justice is eight years.
- (c)(i) For a chief justice whose term of office began on April 1, 2024, the term of the office of the chief justice is four years.
- (ii) The term of the office of chief justice expires on April 1, 2028, for any chief justice who is elected to serve by the justices of the Supreme Court before the effective date of this bill.
- (d) On and after the effective date of this bill, a member of the Supreme Court may not serve as chief justice for more than one term.
- (e) The chief justice may resign from the office of chief justice without resigning from the Supreme Court.
- ~~[(e)]~~ (f) The chief justice may be removed from the office of chief justice by a majority vote of all justices of the Supreme Court.
- ~~[(f)]~~ (g) The chief justice shall receive the sum of \$2,000 per annum as additional compensation for the period served as chief justice.
- (4)(a) ~~[If the justices are unable to elect a chief justice]~~ If a chief justice has not been appointed by the governor and confirmed by the Senate within 30 days of a vacancy in that office, the associate chief justice shall act as interim chief justice until a chief

justice is ~~[elected]~~ appointed and confirmed under this section.

(b) If the associate chief justice is unable or unwilling to act as interim chief justice as described in Subsection (4)(a), the most senior justice shall act as interim chief justice until a chief justice is ~~[elected]~~ appointed and confirmed under this section.

(5) In addition to the chief justice's duties as a member of the Supreme Court, the chief justice has duties as provided by law.

(6)(a) There is created the office of associate chief justice.

~~(b)~~ The associate chief justice is elected by a majority vote of the members of the Supreme Court.

~~[(b)]~~ (c) The term of office of the associate chief justice is two years.

~~[(e)]~~ The associate chief justice shall be:

~~[(i) elected by a majority vote of the members of the Supreme Court; and]~~

~~[(ii) allocated duties as the chief justice determines.]~~

~~[(d)]~~ If the chief justice is absent or otherwise unable to serve, the associate chief justice shall serve as chief justice.

~~[(e)]~~ (d) The chief justice may:

~~(i)~~ determine the allocated duties of the associate chief justice; and

~~(ii)~~ delegate responsibilities to the associate chief justice as consistent with law.

~~(e)~~ If the chief justice is absent or otherwise unable to serve, the associate chief justice shall perform the duties of the office of the chief justice until the chief justice is no longer absent or unable to serve.

(f) The associate chief justice shall receive the sum of \$1,000 per annum for the period served as associate chief justice.

Section 2. **Effective Date.**

This bill takes effect:

(1) except as provided in Subsection (2), November 15, 2025; or

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

~~(a)~~ upon approval by the governor;

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

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

Section 3. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the phrase "the effective date of this

99 bill" with the actual effective date of the bill.