

Part 1
Creation, Jurisdiction, and Procedure

78A-7-101 Creation of justice court -- Not of record -- Classes of justice.

- (1) Under Article VIII, Section 1, Utah Constitution, there is created a court not of record known as the justice court. The judges of this court are justice court judges.
- (2) Justice courts shall be divided into the following classes:
 - (a) Class I: 501 or more case filings per month;
 - (b) Class II: 201-500 case filings per month;
 - (c) Class III: 61-200 case filings per month; and
 - (d) Class IV: 60 or fewer case filings per month.

Amended by Chapter 205, 2012 General Session

78A-7-102 Establishment of justice courts.

- (1)
 - (a) For the purposes of this section, to "create a justice court" means to:
 - (i) establish a justice court; or
 - (ii) establish a justice court under Title 11, Chapter 13, Interlocal Cooperation Act.
 - (b) For the purposes of this section, if more than one municipality or county is collectively proposing to create a justice court, the class of the justice court shall be determined by the total citations or cases filed within the territorial jurisdiction of the proposed justice court.
- (2) Municipalities or counties of the first or second class may create a justice court by filing a written declaration with the Judicial Council on or before July 1 at least two years prior to the effective date of the election. Upon demonstration of compliance with operating standards as established by statute and the Judicial Council, the Judicial Council shall certify the creation of the court pursuant to Section 78A-7-103.
- (3)
 - (a) Municipalities or counties of the third, fourth, or fifth class may create a justice court by demonstrating the need for the court and filing a written declaration with the Judicial Council on or before July 1 at least one year prior to the effective date of the election.
 - (b) A municipality or county establishing a justice court shall demonstrate to the Judicial Council that a justice court is needed. In evaluating the need for a justice court, the Judicial Council shall consider factors of population, case filings, public convenience, availability of law enforcement agencies and court support services, proximity to other courts, and any special circumstances.
 - (c) The Judicial Council shall certify the establishment of a justice court pursuant to Section 78A-7-103, if the council determines:
 - (i) a need exists;
 - (ii) the municipality or county has filed a timely application; and
 - (iii) the proposed justice court will be in compliance with all of the operating standards established by statute and the Judicial Council.
- (4)
 - (a) A municipality that has an established justice court may expand the territorial jurisdiction of its justice court by entering into an agreement pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, with one or more other municipalities, or the county in which the municipality exists.

- (b) A justice court enlarged under this section may not be considered as establishing a new justice court. An expanded justice court shall demonstrate that it will be in compliance with all of the requirements of the operating standards as established by statute and the Judicial Council before the justice court expands.
- (c) A municipality or county seeking to expand the territorial jurisdiction of a justice court shall notify the Judicial Council:
 - (i) no later than the notice period required in Section 78A-7-123, when the expanded justice court is a result of the dissolution of one or more justice courts; or
 - (ii) no later than 180 days before the expanded court seeks to begin operation when the expanded justice court is a result of other circumstances.
- (d) The Judicial Council shall certify the expansion of a justice court if it determines that the expanded justice court is in compliance with the operating standards established by statute and the Judicial Council.
- (5) Upon request from a municipality or county seeking to create a justice court, the Judicial Council may shorten the time required between the city's or county's written declaration or election to create a justice court and the effective date of the election.
- (6) The Judicial Council may by rule provide resources and procedures adequate for the timely disposition of all matters brought before the courts. The administrative office of the courts and local governments shall cooperate in allocating resources to operate the courts in the most efficient and effective manner based on the allocation of responsibility between courts of record and not of record.

Amended by Chapter 205, 2012 General Session

78A-7-103 Minimum standards of justice courts -- Authority of Judicial Council over justice courts.

- (1) The Judicial Council shall ensure that:
 - (a) procedures include requirements that every municipality or county that establishes or maintains a justice court provide for the following minimum operating standards:
 - (i) a system to ensure the justice court records all proceedings with a digital audio recording device and maintains the audio recordings for a minimum of one year;
 - (ii) sufficient prosecutors to perform the prosecutorial duties before the justice court;
 - (iii) adequate funding to defend all persons charged with a public offense who are determined by the justice court to be indigent under Title 77, Chapter 32, Indigent Defense Act;
 - (iv) sufficient local peace officers to provide security for the justice court and to attend to the justice court when required;
 - (v) sufficient clerical personnel to serve the needs of the justice court;
 - (vi) sufficient funds to cover the cost of travel and training expenses of clerical personnel and judges at training sessions mandated by the Judicial Council;
 - (vii) adequate courtroom and auxiliary space for the justice court, which need not be specifically constructed for or allocated solely for the justice court when existing facilities adequately serve the purposes of the justice court; and
 - (viii) for each judge of its justice court, a current copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge; and
 - (b) the Judicial Council's rules and procedures shall:

- (i) presume that existing justice courts will be recertified at the end of each four-year term if the court continues to meet the minimum requirements for the establishment of a new justice court; or
- (ii) authorize the Judicial Council, upon request of a municipality or county or upon its own review, when a justice court does not meet the minimum requirements, to:
 - (A) decline recertification of a justice court;
 - (B) revoke the certification of a justice court;
 - (C) extend the time for a justice court to comply with the minimum requirements; or
 - (D) suspend rules of the Judicial Council governing justice courts, if the council believes suspending those rules is the appropriate administrative remedy for the justice courts of this state.

Repealed and Re-enacted by Chapter 205, 2012 General Session

78A-7-105 Territorial jurisdiction -- Voting.

- (1) The territorial jurisdiction of county justice courts extends to the limits of the precinct for which the justice court is created and includes all cities or towns within the precinct, except cities where a municipal justice court exists.
- (2) The territorial jurisdiction of municipal justice courts extends to the corporate limits of the municipality in which the justice court is created.
- (3) Justice court judges have the same authority regarding matters within their jurisdiction as judges of courts of record.
- (4) A justice court may issue all extraordinary writs and other writs as necessary to carry into effect its orders, judgments, and decrees.
- (5)
 - (a) Except as provided in this Subsection (5), a judgment rendered in a justice court does not create a lien upon any real property of the judgment debtor unless the judgment or abstract of the judgment:
 - (i) is recorded in the office of the county recorder of the county in which the real property of the judgment debtor is located; and
 - (ii) contains the information identifying the judgment debtor in the judgment or abstract of judgment as required in Subsection 78B-5-201(4)(b) or as a separate information statement of the judgment creditor as required in Subsection 78B-5-201(5).
 - (b) The lien runs for eight years from the date the judgment was entered in the district court under Section 78B-5-202 unless the judgment is earlier satisfied.
 - (c) State agencies are exempt from the recording requirement of Subsection (5)(a).

Amended by Chapter 151, 2014 General Session

78A-7-106 Jurisdiction.

- (1) Justice courts have jurisdiction over class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction by a person 18 years of age or older.
- (2) Except those offenses over which the juvenile court has exclusive jurisdiction, justice courts have jurisdiction over the following offenses committed within their territorial jurisdiction by a person who is 16 or 17 years of age:
 - (a) class C misdemeanor and infraction violations of Title 53, Chapter 3, Part 2, Driver Licensing Act; and
 - (b) class B and C misdemeanor and infraction violations of:

- (i) Title 23, Wildlife Resources Code of Utah;
 - (ii) Title 41, Chapter 1a, Motor Vehicle Act;
 - (iii) Title 41, Chapter 6a, Traffic Code;
 - (iv) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act;
 - (v) Title 41, Chapter 22, Off-Highway Vehicles;
 - (vi) Title 73, Chapter 18, State Boating Act;
 - (vii) Title 73, Chapter 18a, Boating - Litter and Pollution Control;
 - (viii) Title 73, Chapter 18b, Water Safety; and
 - (ix) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.
- (3) As used in this section, "the court's jurisdiction" means the territorial jurisdiction of a justice court.
- (4) An offense is committed within the territorial jurisdiction of a justice court if:
- (a) conduct constituting an element of the offense or a result constituting an element of the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is itself unlawful;
 - (b) either a person committing an offense or a victim of an offense is located within the court's jurisdiction at the time the offense is committed;
 - (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs within the court's jurisdiction;
 - (d) a person commits any act constituting an element of an inchoate offense within the court's jurisdiction, including an agreement in a conspiracy;
 - (e) a person solicits, aids, or abets, or attempts to solicit, aid, or abet another person in the planning or commission of an offense within the court's jurisdiction;
 - (f) the investigation of the offense does not readily indicate in which court's jurisdiction the offense occurred, and:
 - (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft passing within the court's jurisdiction;
 - (ii)
 - (A) the offense is committed on or in any body of water bordering on or within this state if the territorial limits of the justice court are adjacent to the body of water; and
 - (B) as used in Subsection (5)(f)(ii)(A), "body of water" includes any stream, river, lake, or reservoir, whether natural or man-made;
 - (iii) a person who commits theft exercises control over the affected property within the court's jurisdiction; or
 - (iv) the offense is committed on or near the boundary of the court's jurisdiction;
 - (g) the offense consists of an unlawful communication that was initiated or received within the court's jurisdiction; or
 - (h) jurisdiction is otherwise specifically provided by law.
- (5) A justice court judge may transfer a criminal matter in which the defendant is a child to the juvenile court for further proceedings if the justice court judge determines and the juvenile court concurs that the best interests of the minor would be served by the continuing jurisdiction of the juvenile court.
- (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial jurisdiction of the justice court.

Amended by Chapter 33, 2016 General Session

78A-7-118 Appeals from justice court -- Trial or hearing de novo in district court.

- (1) In a criminal case, a defendant is entitled to a trial de novo in the district court only if the defendant files a notice of appeal within 28 days of:
 - (a) sentencing, except as provided in Subsection (4)(b); or
 - (b) a plea of guilty or no contest in the justice court that is held in abeyance.
- (2) Upon filing a proper notice of appeal, any term of a sentence imposed by the justice court shall be stayed as provided for in Section 77-20-10 and the Rules of Criminal Procedure.
- (3) If an appeal under Subsection (1) is of a plea entered pursuant to negotiation with the prosecutor, and the defendant did not reserve the right to appeal as part of the plea negotiation, the negotiation is voided by the appeal.
- (4) A defendant convicted and sentenced in justice court is entitled to a hearing de novo in the district court on the following matters, if the defendant files a notice of appeal within 28 days of:
 - (a) an order revoking probation;
 - (b) imposition of a sentence, following a determination that a defendant failed to fulfill the terms of a plea in abeyance agreement;
 - (c) an order denying a motion to withdraw a plea, if the plea is being held in abeyance and the motion to withdraw the plea is filed within 28 days of the entry of the plea;
 - (d) a postsentence order fixing total or court ordered restitution; or
 - (e) an order denying expungement.
- (5) The prosecutor is entitled to a hearing de novo in the district court if an appeal is filed within 28 days of the court entering:
 - (a) a final judgment of dismissal;
 - (b) an order arresting judgment;
 - (c) an order terminating the prosecution because of a finding of double jeopardy or denial of a speedy trial;
 - (d) a judgment holding invalid any part of a statute or ordinance;
 - (e) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of that evidence prevents continued prosecution of an infraction or class C misdemeanor;
 - (f) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of that evidence impairs continued prosecution of a class B misdemeanor;
 - (g) an order granting a motion to withdraw a plea of guilty or no contest;
 - (h) an order fixing total restitution at an amount less than requested by a crime victim; or
 - (i) an order granting an expungement, if the expungement was opposed by the prosecution or a victim before the order was entered.
- (6) Upon entering a decision in a hearing de novo, the district court shall remand the case to the justice court unless:
 - (a) the decision results in immediate dismissal of the case;
 - (b) with agreement of the parties, the district court consents to retain jurisdiction; or
 - (c) the defendant enters a plea of guilty or no contest in the district court.
- (7) The district court shall retain jurisdiction over the case on trial de novo.
- (8) The decision of the district court is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance.

Amended by Chapter 33, 2016 General Session

78A-7-120 Disposition of fines.

- (1) Except as otherwise specified by this section, fines and forfeitures collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and

1/2 to the treasurer of the local government which prosecutes or which would prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13, Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section if the parties agree.

- (2)
 - (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.
 - (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county government responsible for the justice court.
- (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer.
- (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and distributed to the class B and C road account.
- (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and C road funds.
- (6)
 - (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:
 - (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
 - (ii) 40% in accordance with Subsection (1).
 - (b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(8)(c) shall be remitted:
 - (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
 - (ii) 50% in accordance with Subsection (1).

Amended by Chapter 205, 2012 General Session

78A-7-121 Funds collected -- Deposits and reports -- Special account -- Accounting.

- (1)
 - (a) Justice courts shall deposit public funds in accordance with Section 51-4-2.
 - (b) The city or county treasurer shall report to the city recorder or county auditor, as appropriate, the sums collected and deposited. The recorder or auditor shall then apportion and remit the collected proceeds as provided in Section 78A-7-120.
- (2) Money received or collected on any civil process or order issued from a justice court shall be paid within seven days to the party entitled or authorized to receive it.
- (3)
 - (a) With the approval of the governing body a trust or revolving account may be established in the name of the justice court and the treasurer for the deposit of money collected including bail, restitution, unidentified receipts, and other money that requires special accounting.
 - (b) Disbursements from this account do not require the approval of the auditor, recorder, or governing body.
 - (c) The account shall be reconciled at least quarterly by the auditor of the governing body.

Amended by Chapter 205, 2012 General Session

78A-7-122 Security surcharge -- Application -- Deposit in restricted accounts.

- (1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$50 shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations.
- (2) The security surcharge shall be collected and distributed pro rata with any fine collected. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.
- (3) Eighteen dollars of the security surcharge shall be remitted to the state treasurer and distributed to the Court Security Account created in Section 78A-2-602.
- (4) Thirty-two dollars of the security surcharge shall be allocated as follows:
 - (a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the governmental entity; and
 - (b) 80% shall be remitted to the state treasurer to be distributed as follows:
 - (i) 62.5% to the treasurer of the county in which the justice court which remitted the amount is located;
 - (ii) 25% to the Court Security Account created in Section 78A-2-602; and
 - (iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section 78A-7-301.
- (5) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

Amended by Chapter 168, 2014 General Session

78A-7-123 Dissolution of justice courts.

- (1)
 - (a) The county or municipality shall obtain legislative approval to dissolve a justice court if the caseload from that court would fall to the district court upon dissolution.
 - (b) To obtain approval of the Legislature, the governing authority of the municipality or county shall petition the Legislature to adopt a joint resolution to approve the dissolution.
 - (c) The municipality or county shall provide notice to the Judicial Council.
 - (d) Notice of intent to dissolve a Class I or Class II justice court to the Judicial Council shall be given not later than July 1 two years prior to the general session in which the county or municipality intends to seek legislative approval.
 - (e) Notice of intent to dissolve a Class III or Class IV justice court to the Judicial Council shall be given not later than July 1 immediately prior to the general session in which the county or municipality intends to seek legislative approval.
- (2)
 - (a) A county or municipality shall give notice of intent to dissolve a justice court to the Judicial Council if the caseload of that court would fall to the county justice court. A municipality shall also give notice to the county of its intent to dissolve a justice court.
 - (b) Notice of intent to dissolve a Class I or Class II court shall be given by July 1 at least two years prior to the effective date of the dissolution.
 - (c) Notice of intent to dissolve a Class III or Class IV court shall be given by July 1 at least one year prior to the effective date of the dissolution.
- (3) Upon request from a municipality or county seeking to dissolve a justice court, the Judicial Council may shorten the time required between the city's or county's notice of intent to dissolve a justice court and the effective date of the dissolution.

Renumbered and Amended by Chapter 3, 2008 General Session