

Chapter 7 Justice Court

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

Part 2 Judges and Administration

78A-7-201 Justice court judge eligibility -- Mandatory retirement.

- (1) A justice court judge shall be:
 - (a) a citizen of the United States;
 - (b) 25 years of age or older;
 - (c) a resident of Utah for at least three years immediately preceding his appointment;
 - (d) a resident of the county in which the court is located or an adjacent county for at least six months immediately preceding appointment; and
 - (e) a qualified voter of the county in which the judge resides.
- (2) Effective May 10, 2016, a justice court judge is not required to be admitted to practice law in the state as a qualification to hold office but:
 - (a) in counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to a bar in any state; and
 - (b) in counties of the third, fourth, fifth, and sixth class, a justice court judge shall have at the minimum a diploma of graduation from high school or its equivalent.
- (3) A justice court judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.
- (4) A justice court judge shall retire upon attaining the age of 75 years.
- (5) In counties of the first and second class, if there are not at least three applicants for a justice court judge position who meet the requirements of Subsection (2)(a), the justice court nominating commission shall re-advertise the position, and may accept applications from persons who do not meet the requirements of Subsections (1)(d) and (2)(a).
- (6)
 - (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the Courts shall provide notice to all attorneys in the county and adjacent counties when a justice court judge position is vacant.
 - (b) If the justice court nominating commission waives the requirement of Subsection (1)(d) in accordance with Subsection (5), the Administrative Office of the Courts shall provide notice to all attorneys in the state.
- (7) A justice court judge holding office on May 10, 2016, who does not meet the qualification in Subsection (2)(a) may continue in the judge's position until the judge resigns, retires, is not retained in a retention election, or is removed from office.

Amended by Chapter 146, 2016 General Session

78A-7-202 Justice court judges to be appointed -- Procedure.

- (1) As used in this section:
 - (a) "Local government executive" means:

- (i) for a county:
 - (A) the chair of the county commission in a county operating under the county commission or expanded county commission form of county government;
 - (B) the county executive in a county operating under the county executive-council form of county government; and
 - (C) the county manager in a county operating under the council-manager form of county government;
 - (ii) for a city or town:
 - (A) the mayor of the city or town; or
 - (B) the city manager, in the council-manager form of government described in Subsection 10-3b-103(7); and
 - (iii) for a metro township, the chair of the metro township council.
- (b) "Local legislative body" means:
- (i) for a county, the county commission or county council; and
 - (ii) for a city or town, the council of the city or town.
- (2) There is created in each county a county justice court nominating commission to review applicants and make recommendations to the appointing authority for a justice court position. The commission shall be convened when a new justice court judge position is created or when a vacancy in an existing court occurs for a justice court located within the county.
- (a) Membership of the justice court nominating commission shall be as follows:
- (i) one member appointed by:
 - (A) the county commission if the county has a county commission form of government; or
 - (B) the county executive if the county has an executive-council form of government;
 - (ii) one member appointed by the municipalities in the counties as follows:
 - (A) if the county has only one municipality, appointment shall be made by the governing authority of that municipality; or
 - (B) if the county has more than one municipality, appointment shall be made by a municipal selection committee composed of the mayors of each municipality and the chairs of each metro township in the county;
 - (iii) one member appointed by the county bar association; and
 - (iv) two members appointed by the governing authority of the jurisdiction where the judicial office is located.
- (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.
- (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing authority or an elected official of a county or municipality.
- (d) The nominating commission shall submit at least three names to the appointing authority of the jurisdiction expected to be served by the judge. The local government executive shall appoint a judge from the list submitted and the appointment ratified by the local legislative body.
- (e) The state court administrator shall provide staff to the commission. The Judicial Council shall establish rules and procedures for the conduct of the commission.
- (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through the Utah State Bar, and other appropriate means.
- (4) Selection of candidates shall be based on compliance with the requirements for office and competence to serve as a judge.

- (5) Once selected, every prospective justice court judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon completion of the orientation program, the Judicial Council shall certify the justice court judge as qualified to hold office.
- (6) The selection of a person to fill the office of justice court judge is effective upon certification of the judge by the Judicial Council. A justice court judge may not perform judicial duties until certified by the Judicial Council.

Amended by Chapter 99, 2015 General Session

Amended by Chapter 352, 2015 General Session

78A-7-203 Term of office for justice court judge -- Retention -- Reduction in force.

- (1) The term of a justice court judge is six years beginning the first Monday in January following the date of election.
- (2) Upon the expiration of a justice court judge's term of office, the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201:
 - (a) in the county or counties in which the court to which the judge is appointed is located if the judge is a county justice court judge or a municipal justice court judge in a town or city of the fourth or fifth class; or
 - (b) in the municipality in which the court to which the judge is appointed is located if the judge is a municipal justice court judge and Subsection (2)(a) does not apply.
- (3) Before each retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act.
- (4) Notwithstanding Subsection (3), each justice court judge who is subject to a retention election in 2012, 2014, and 2016, and who is not a full-time justice court judge on July 1, 2012, shall be evaluated by the Judicial Performance Evaluation Commission according to the following performance standards:
 - (a) the justice court judge shall have at least 30 annual hours of continuing legal education for each year of the justice court judge's current term;
 - (b) the justice court judge may not have more than one public reprimand issued by the Judicial Conduct Commission or the Supreme Court during the justice court judge's current term; and
 - (c) the justice court judge may not have had any cases under advisement for more than two months.
- (5) Political subdivisions in counties of the first and second class that have more than one justice court judge and the weighted caseload per judge is lower than 0.60 as determined by the Administrative Office of the Courts may, at the political subdivision's discretion and at the end of a judge's term of office, initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position pursuant to the political subdivision's employment policies.
- (6) Political subdivisions in counties of the first and second class may only add new justice court judge positions if the Judicial Council, after considering the caseload of the court, approves creation of the position.

Amended by Chapter 146, 2016 General Session

78A-7-204 Offices of justice court judges.

- (1) Justice court judges holding office in:
 - (a) county precincts are county justice court judges; and

- (b) cities or towns are municipal justice court judges.
- (2) The county legislative body may establish a single precinct or divide the county into multiple precincts to create county justice courts for public convenience.
- (3)
 - (a) The governing body may create as many judicial positions as are required for the efficient administration of a justice court.
 - (b) If more than one judge is assigned to a court, all filings within that court shall be assigned to the judges at random unless the governing body has been authorized to create specialized judicial calendars to serve the interests of justice.

Amended by Chapter 205, 2012 General Session

78A-7-205 Required annual training -- Expenses -- Failure to attend.

- (1) All justice court judges shall meet the continuing education requirements of the Judicial Council each calendar year.
- (2) Successful completion of the continuing education requirement includes instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the court, rules of evidence, and rules of civil and criminal procedure as indicated by a certificate awarded by the Judicial Council.
- (3) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission against each justice court judge who does not comply with this section.

Amended by Chapter 205, 2012 General Session

78A-7-206 Determination of compensation and limits -- Salary survey -- Limits on secondary employment -- Prohibition on holding political or elected office -- Penalties.

- (1) Every justice court judge shall be paid a fixed compensation determined by the governing body of the respective municipality or county.
 - (a) The governing body of the municipality or county may not set a full-time justice court judge's salary at less than 50% nor more than 90% of a district court judge's salary.
 - (b) The governing body of the municipality or county shall set a part-time justice court judge's salary as follows:
 - (i) The governing body shall first determine the full-time salary range outlined in Subsection (1) (a).
 - (a).
 - (ii) The caseload of a part-time judge shall be determined by the office of the state court administrator and expressed as a percentage of the caseload of a full-time judge.
 - (iii) The judge's salary shall then be determined by applying the percentage determined in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a).
 - (c) A justice court judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all county or municipal employees for the jurisdiction served by the judge.
 - (d) Notwithstanding Subsection (1)(c), a justice court judge may not receive a salary greater than 90% of the salary of a district court judge.
 - (e) A justice court judge employed by more than one entity as a justice court judge, may not receive a total salary for service as a justice court judge greater than the salary of a district court judge.
- (2) A justice court judge may not appear as an attorney in any:
 - (a) justice court;

- (b) criminal matter in any federal, state, or local court; or
- (c) juvenile court case involving conduct which would be criminal if committed by an adult.
- (3) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.
- (4) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.
- (5) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.
- (6) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission for each violation of this section.

Amended by Chapter 205, 2012 General Session

78A-7-207 Compensation -- Annual review and adjustment.

- (1) The governing body of each municipality or county shall annually review and may adjust the compensation paid.
- (2) The salary fixed for a justice court judge may not be diminished during the term for which the judge has been appointed or elected.
- (3) A copy of the resolution, ordinance, or other document fixing the salary of the justice court judge and any adjustments to the document shall be furnished to the state court administrator by the governing body of the municipality or county.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-7-208 Temporary justice court judge.

When necessary, the governing body may appoint any senior justice court judge, or justice court judge currently holding office within the judicial district or in an adjacent county, to serve as a temporary justice court judge.

Amended by Chapter 205, 2012 General Session

78A-7-210 Justice court judge administrative responsibilities.

- (1) Justice court judges shall comply with and ensure that court personnel comply with applicable county or municipal rules and regulations related to personnel, budgets, and other administrative functions.
- (2) Failure by the judge to comply with applicable administrative county or municipal rules and regulations may be referred, by the county executive or municipal legislative body, to the state Justice Court Administrator.
- (3) Repeated or willful noncompliance may be referred, by the county executive or municipal legislative body, to the Judicial Conduct Commission.

Amended by Chapter 205, 2012 General Session

78A-7-212 Place of holding court.

- (1)

- (a) County justice court judges may hold court in any municipality within the precinct but may exercise only the jurisdiction provided by law for county justice courts.
- (b) County justice court judges may also, at the direction of the county legislative body, hold court anywhere in the county as needed but may only hear cases arising within the precinct.
- (2) A municipal justice court judge shall hold court in the municipality where the court is located and, as directed by the municipal governing body, at the county jail or municipal prison.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-7-213 Trial facilities -- Hours of business.

- (1) A justice court judge shall conduct all official court business in a courtroom or office located in a public facility which is conducive and appropriate to the administration of justice.
- (2)
 - (a) A county justice court may, at the direction of the county legislative body, hold justice court anywhere in the county as needed but may only hear cases arising within its precinct.
 - (b) A municipal justice court judge shall hold court in the municipality where the court is located.
 - (c) Justice courts may also hold court or conduct hearings or court business in any facility or location authorized by rule of the Judicial Council.
- (3) Justice courts shall be open and judicial business shall be transacted:
 - (a) five days per week; or
 - (b) no less than four days per week for at least 11 hours per day.
- (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3) and the code of judicial administration.
- (5) The hours the courts are open shall be posted conspicuously at the courts and in local public buildings.
- (6) The clerk of the court and judges of justice courts shall attend the court at regularly scheduled times.
- (7) By July 1, 2011, all justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council.

Amended by Chapter 205, 2012 General Session

78A-7-215 Monthly reports to court administrator and governing body.

- (1) Every justice court shall file monthly with the state court administrator a report of the judicial business of the judge. The report shall be on forms supplied by the state court administrator.
- (2) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
- (3) A copy of the report shall be furnished by the justice court to the person or office in the county, city, or town designated by the governing body to receive the report.

Amended by Chapter 205, 2012 General Session

**Part 3
Technology, Security, and Training Account**

78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

- (1) The state treasurer shall deposit in the account money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii).
- (2) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for audit, technology, security, and training needs in justice courts throughout the state.

Amended by Chapter 189, 2014 General Session