

Chapter 5 District Court

Part 1 General Provisions

78A-5-101 State District Court Administrative System -- Definitions.

- (1) As used in this chapter:
 - (a) "Court system" means the State District Court Administrative System.
 - (b) "Single criminal episode" means the same as that term is defined in Section 76-1-401.
- (2)
 - (a) The district court is a trial court of general jurisdiction.
 - (b) A district court shall be located in the county seat of each county.
- (3)
 - (a) There is established a State District Court Administrative System.
 - (b) The Judicial Council shall administer the operation of the court system.

Amended by Chapter 155, 2022 General Session

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;
 - (b) preside over an action for which the Business and Chancery Court has jurisdiction if:
 - (i) the district court judge is designated by the presiding officer of the Judicial Council to preside over an action in the Business and Chancery Court as described in Section 78A-1-103.5; and
 - (ii) a Business and Chancery Court judge is unable to preside over the action due to recusal or disqualification; and
 - (c) sit as a member of a panel for the Constitutional Court if:
 - (i) Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102;
 - (ii) 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
 - (iii) 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 before 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, Controlled Substances, or Title 76, Chapter 18, Part 2, Offenses Concerning Controlled Substances;
 - (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 dissolved, a justice court; or
 - (c) the offense is included in an indictment or information covering a single criminal episode alleging the commission of a felony or a class A misdemeanor by an individual who is 18 years old or older.
- (9) If a district court has jurisdiction in accordance with Subsection (4), (8)(a), or (8)(b), the district court has jurisdiction over an offense listed in Subsection 78A-7-106(2) even if the offense is committed by an individual who is 16 or 17 years old.
- (10) The district court has subject matter jurisdiction over an action under Title 78B, Chapter 7, Part 2, Child Protective Orders, if the juvenile court transfers the action to the district court.
- (11)
 - (a) The district court has subject matter jurisdiction over a criminal action that the justice court transfers to the district court.
 - (b) Notwithstanding Subsection 78A-7-106(1), the district court has original jurisdiction over any refiled case of a criminal action transferred to the district court if the district court dismissed the transferred case without prejudice.
- (12) The district court has no subject matter jurisdiction over a claim for ineffective assistance of counsel in a criminal case involving a charge of a capital felony.
- (13) If the juvenile court has concurrent jurisdiction under Subsection 78A-6-104(1)(a)(i) over a parentage action filed in the district court, the district court may transfer jurisdiction over the parentage action to the juvenile court.
- (14) The district court shall transfer an action to the Business and Chancery Court if:
 - (a) the district court determines transfer is required or appropriate under Utah Rules of Civil Procedure, Rule 42; and
 - (b) the action meets the jurisdictional requirements of the Business and Chancery Court.
- (15) The Supreme Court and Court of Appeals have jurisdiction over an appeal from a final order, judgment, and decree of the district court as described in Sections 78A-3-102 and 78A-4-103.

Amended by Chapter 362, 2026 General Session

78A-5-102.5 Jurisdiction of the district court over an offense committed by a minor -- Exclusive jurisdiction of the district court -- Transfer to juvenile court.

(1) As used in this section:

(a) "Minor" means:

- (i) an individual who is under 18 years old;
- (ii) an individual who was under 18 years old at the time of the offense and is under 21 years old at the time of all court proceedings; or
- (iii) an individual:
 - (A) who was 18 years old and enrolled in high school at the time of the offense;
 - (B) who is under 21 years old at the time of all court proceedings; and
 - (C) who committed the felony offense and any separate offense on school property where the individual was enrolled when school was in session or during a school-sponsored activity, as defined in Section 53G-8-211.

(b) "Qualifying offense" means:

- (i) an offense described in Section 80-6-502 or 80-6-503; or
- (ii) a felony offense if the felony offense is committed:
 - (A) by an individual who was 18 years old at the time of the offense and enrolled in high school; and
 - (B) on school property where the individual was enrolled when school was in session or during a school-sponsored activity, as defined in Section 53G-8-211.

(c) "Separate offense" means any offense that is not a qualifying offense.

(2) The district court has original jurisdiction over an offense of aggravated murder, as described in Section 76-5-202, or murder, as described in Section 76-5-203, that is committed by an individual who is 16 or 17 years old at the time of the offense.

(3) The district court has subject matter jurisdiction over any offense for which the juvenile court has original jurisdiction if the juvenile court transfers jurisdiction over the offense to the district court in accordance with Section 80-6-504.

(4) Notwithstanding Sections 78A-6-103, 78A-6-103.5, and 78A-7-106, the district court has exclusive jurisdiction over any separate offense:

- (a) committed by a minor; and
- (b) arising from a single criminal episode containing a qualifying offense for which the district court has original jurisdiction.

(5) Except as provided in Subsections (6) and (7), if the district court has jurisdiction over a qualifying offense or a separate offense committed by a minor, the district court is not divested of jurisdiction over the offense when the minor is allowed to enter a plea to, or is found guilty of, a separate offense that is not the qualifying offense or separate offense listed in the criminal information.

(6) If a minor is charged with a qualifying offense and the qualifying offense results in an acquittal, a finding of not guilty, or a dismissal after a trial:

- (a) the jurisdiction of the district court over any separate offense is terminated; and
- (b) the district court shall transfer the separate offense to the juvenile court for disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and Disposition.

(7) If a minor is charged with a qualifying offense and the qualifying offense results in a dismissal before a trial:

- (a) the jurisdiction of the district court over any separate offense is terminated; and

- (b) the district court shall transfer the separate offense to the juvenile court for adjudication and disposition in accordance with Title 80, Chapter 6, Part 7, Adjudication and Disposition.

Amended by Chapter 161, 2023 General Session

78A-5-102.7 Three-judge panel in the district court -- Requirements.

(1) As used in this section:

- (a) "Panel" means a panel of three district court judges that is convened under this section to hear and decide an action.
- (b)
 - (i) "State entity" means the state or any agency, department, board, or commission of the state.
 - (ii) "State entity" includes the Legislature and any committee of the Legislature.
- (c) "State official" means:
 - (i) a member of the Legislature;
 - (ii) the governor;
 - (iii) the lieutenant governor;
 - (iv) a member of the governor's cabinet;
 - (v) the state auditor;
 - (vi) the state treasurer; or
 - (vii) the attorney general.

(2)

- (a) A party to a civil action may file a notice in the district court that a panel of three district court judges shall be convened to hear and decide the civil action if the civil action:
 - (i) is challenging the constitutionality of a state statute or legislation, a provision of the Utah Constitution, an action or inaction of the Legislature, an executive order, an administrative rule, or an inaction by the executive branch;
 - (ii) is seeking a declaratory judgment or injunctive relief; and
 - (iii) is brought against a state entity or a state official in the state official's capacity.
- (b) The time periods described in Utah Rules of Civil Procedure, Rule 42, apply to a notice described in this Subsection (2).
- (c) A notice to convene a panel that was filed before March 13, 2026, and met the requirements of this section and Utah Rules of Civil Procedure, Rule 42, at the time the notice was filed is valid.

(3)

- (a) Upon the filing of a notice under Subsection (2), a panel of three district court judges shall hear and decide, by majority decision, the civil action in accordance with this section.
- (b) Each judge on a panel described in Subsection (3)(a) shall be:
 - (i) selected at random; and
 - (ii) from a different judicial district than the other judges on the panel.

(4) The panel shall adjudicate any challenge as to whether the notice to convene the panel complied with the requirements of this section and Utah Rules of Civil Procedure, Rule 42.

(5)

- (a) Except as provided in Subsection (5)(b) or (c), a chief judge from the panel shall conduct all proceedings in an action before the panel.
- (b) A panel shall sit en banc for:
 - (i) an adjudication of a notice to convene the panel as described in Subsection (4);
 - (ii) a discovery dispute between the parties that involves a constitutional issue or right;
 - (iii) a trial;

- (iv) an order for an injunction or temporary restraining order; or
 - (v) a motion that would dispose of the action or any claim or defense in the action.
 - (c) Upon a party's request, or by majority vote of the panel, the panel may sit en banc for any issue before the panel.
 - (d) A judge on a panel may concur or dissent from any decision for which the panel sits en banc.
- (6)
- (a) Title 78B, Chapter 3a, Venue for Civil Actions, does not apply to an action before a panel.
 - (b) Any requirement in the Utah Code to file or bring an action in a specific district or county does not apply to an action before a panel.
- (7)
- (a) Before March 7, 2026, the Judicial Council shall:
 - (i) by rule, create a process by which a district court judge is assigned to a panel by random selection, including any reassignment of a district court judge on a panel due to disqualification, recusal, or a change of judge as a matter of right; and
 - (ii) establish and maintain a list of judges who the Judicial Council determines are qualified to serve on a panel.
 - (b) The list established under Subsection (7)(a) shall consist of at least 50% of the district court judges from each district.
 - (c) The Judicial Council shall post the list described in Subsection (7)(a) on the website for the Utah state courts with information on the dates and number of times that a judge has served on a panel.
- (8) The Judicial Council shall hire a coordinator and staff to assist any panel convened under this section.

Repealed and Re-enacted by Chapter 13, 2026 General Session

Superseded 1/1/2027

78A-5-103 District court case management.

- (1) As used in this section:
- (a) "Municipal case" means a criminal case:
 - (i) filed in a district court by a city attorney on behalf of a municipality;
 - (ii) appealed from a municipal justice court to a district court; or
 - (iii) transferred to a district court by a municipal justice court.
 - (b) "Municipality" means the same as that term is defined in Section 10-1-104.
 - (c) "Municipality's principal office" means the primary location where the municipality conducts official administrative business.
- (2) The district court of each district shall develop systems of case management.
- (3) The case management systems developed by a district court shall:
- (a) ensure judicial accountability for the just and timely disposition of cases; and
 - (b) provide for each judge a full judicial workload that accommodates differences in the subject matter or complexity of cases assigned to different judges.
- (4)
- (a) A district court may establish divisions within the court for the efficient management of different types of cases.
 - (b) The existence of divisions within the court may not:
 - (i) affect the jurisdiction of the court nor the validity of court orders; or
 - (ii) impede public access to the courts.
- (5)

- (a)
 - (i) Except as provided in Subsection (5)(b), management of municipal cases, the presiding judge of each judicial district shall:
 - (A) assign at least one judge to hear a municipality's municipal cases;
 - (B) ensure that the number of judges assigned to hear a municipality's municipal cases does not exceed one judge for every 500 municipal cases that the municipality files, appeals, or transfers in the calendar year; and
 - (C) except as provided in Subsection (5)(a)(iii), ensure that each municipal case is heard in the closest possible location to the municipality.
 - (ii) The location described in Subsection (5)(a)(i)(C) shall be measured by driving distance to the municipality's principal office.
 - (iii) A municipal case may be heard in a location other than the location described in Subsection (5)(a)(i)(C) if the presiding judge finds good cause for the municipal case to be heard in a different location.
 - (b) The requirements described in Subsection (5)(a) do not apply to the management of a municipality's municipal cases if the municipality and the presiding judge of the judicial district enter into a memorandum of understanding that specifies a different arrangement for managing the municipality's municipal cases.
- (6) To the extent possible, the district court of each district shall assign any case or proceeding involving the same child or family to a single judge.

Amended by Chapter 155, 2026 General Session

Effective 1/1/2027

78A-5-103 District court case management -- Establishment of a division of the district court.

- (1) As used in this section:
 - (a) "Debt collection or housing action" means a civil action in the district court:
 - (i) for forcible entry and detainer as described in Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer; or
 - (ii) that is eligible to be filed as a debt collection case on or after January 1, 2027.
 - (b) "Municipal case" means a criminal case:
 - (i) filed in a district court by a city attorney on behalf of a municipality;
 - (ii) appealed from a municipal justice court to a district court; or
 - (iii) transferred to a district court by a municipal justice court.
 - (c) "Municipality" means the same as that term is defined in Section 10-1-104.
 - (d) "Municipality's principal office" means the primary location where the municipality conducts official administrative business.
- (2) The district court of each district shall develop systems of case management.
- (3) The case management systems developed by a district court shall:
 - (a) ensure judicial accountability for the just and timely disposition of cases; and
 - (b) provide for each judge a full judicial workload that accommodates differences in the subject matter or complexity of cases assigned to different judges.
- (4)
 - (a) The Judicial Council may establish divisions within the district court for the efficient management of different types of cases, including a division to manage any debt collection or housing action.

- (b) Upon establishing a division under Subsection (4)(a), the Judicial Council shall allocate sufficient resources from appropriations made by the Legislature for the division, including the appointment or hiring of commissioners or judicial assistants to staff the division.
- (c) The existence of divisions within the court may not:
 - (i) affect the jurisdiction of the court nor the validity of court orders; or
 - (ii) impede public access to the courts.
- (5)
 - (a) Notwithstanding the venue requirements in Title 78B, Chapter 3a, Venue for Civil Actions, for a debt collection or housing action, the district court shall transfer any debt collection or housing action to the division established under Subsection (4) for centralized pretrial and post judgment case processing.
 - (b) The division may transfer a debt collection or housing action to a venue for which a district court determines is proper under Utah Rules of Civil Procedure, Rule 42, if:
 - (i) the debt collection or housing action is set for trial; or
 - (ii) the debt collection or housing action requires an evidentiary hearing that is not an evidentiary hearing under Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer.
- (6)
 - (a)
 - (i) Except as provided in Subsection (6)(b), management of municipal cases, the presiding judge of each judicial district shall:
 - (A) assign at least one judge to hear a municipality's municipal cases;
 - (B) ensure that the number of judges assigned to hear a municipality's municipal cases does not exceed one judge for every 500 municipal cases that the municipality files, appeals, or transfers in the calendar year; and
 - (C) except as provided in Subsection (6)(a)(iii), ensure that each municipal case is heard in the closest possible location to the municipality.
 - (ii) The location described in Subsection (6)(a)(i)(C) shall be measured by driving distance to the municipality's principal office.
 - (iii) A municipal case may be heard in a location other than the location described in Subsection (6)(a)(i)(C) if the presiding judge finds good cause for the municipal case to be heard in a different location.
 - (b) The requirements described in Subsection (6)(a) do not apply to the management of a municipality's municipal cases if the municipality and the presiding judge of the judicial district enter into a memorandum of understanding that specifies a different arrangement for managing the municipality's municipal cases.
- (7) To the extent possible, the district court of each district shall assign any case or proceeding involving the same child or family to a single judge.

Amended by Chapter 359, 2026 General Session

78A-5-104 Terms -- Minimum of once quarterly.

Each district court shall hold court at the county seat of each county within the district at least once in each quarter of the year.

Renumbered and Amended by Chapter 3, 2008 General Session

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

(1)

- (a) A judge of the district court is appointed initially until the first general election held more than three years after the effective date of the appointment.
- (b) After the first term of appointment under Subsection (1)(a), the term of office for a judge of the district court is six years, and commences on the first Monday in January, next following the date of election.
- (2) A judge whose term expires may serve, upon request of the Judicial Council, until a successor is appointed and qualified.
- (3) If Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102, and a judge of the district court is appointed to the Constitutional Court and does not vacate the judge's appointment to the district court as described in Section 78A-5b-201, the appointment to the Constitutional Court does not modify the judge's term of office described in this section for the judge's appointment to the district court.

Amended by Chapter 38, 2026 General Session

78A-5-106 Presiding judge -- Associate presiding judge -- Election -- Term -- Compensation -- Powers -- Duties.

- (1) In judicial districts having more than one district court judge, the district court judges shall elect one judge of the district to the office of presiding judge.
- (2) In judicial districts having more than two district court judges, the district court judges may elect one judge of the district to the office of associate presiding judge.
- (3) The presiding judge shall receive an additional \$2,000 per annum as compensation for the period served as presiding judge.
- (4) The associate presiding judge shall receive an additional \$1,000 per annum as compensation for the period served as associate presiding judge.
- (5) The presiding judge has the following authority and responsibilities, consistent with the policies of the Judicial Council:
 - (a) implementing policies of the Judicial Council; and
 - (b) exercising powers and performing administrative duties as authorized by the Judicial Council.
- (6)
 - (a) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge.
 - (b) The associate presiding judge shall perform other duties assigned by the presiding judge.

Amended by Chapter 276, 2022 General Session

78A-5-107 Court commissioners -- Qualifications -- Appointment -- Functions governed by rule.

- (1)
 - (a) Court commissioners are quasi-judicial officers of courts of record and have limited judicial authority as provided by this section and rules of the Judicial Council.
 - (b) Court commissioners serve full-time and are subject to the restrictions of Section 78A-2-221, which prohibits the practice of law.
- (2)
 - (a) The Judicial Council shall appoint court commissioners with the concurrence of a majority of the judges of trial courts in the district the court commissioner primarily serves.
 - (b) The Judicial Council may assign court commissioners appointed under this section to serve in one or more judicial districts.

- (3) A person appointed as a court commissioner shall have the following qualifications:
 - (a) be 25 years old or older;
 - (b) be a citizen of the United States;
 - (c) be a resident of this state while serving as court commissioner;
 - (d) be admitted to the practice of law in this state; and
 - (e) possess ability and experience in the areas of law in which the commissioner will be serving.
- (4) A court commissioner shall take and subscribe to the oath of office as required by Article IV, Sec. 10, Utah Constitution, prior to assuming the duties of the office.
- (5) Court commissioners shall:
 - (a) comply with applicable constitutional and statutory provisions, court rules and procedures, and rules of the Judicial Council;
 - (b) comply with the Code of Judicial Conduct to the same extent as full-time judges; and
 - (c) successfully complete orientation and education programs as required by the Judicial Council.
- (6) The presiding judge of the district the commissioner primarily serves:
 - (a) shall develop a performance plan for the court commissioner and annually conduct an evaluation of the commissioner's performance, and shall provide the plan and evaluations to the Judicial Council upon request; and
 - (b) is responsible for the day-to-day supervision of the court commissioner.
- (7) The Judicial Council shall:
 - (a) establish by rule procedures for the investigation and review of complaints and the discipline and removal of court commissioners; and
 - (b) evaluate court commissioners under the requirements of Subsection 78A-2-104(6).
- (8) The Judicial Council shall make uniform statewide rules defining the duties and authority of court commissioners for each level of court they serve. The rules shall not exceed constitutional limitations upon the delegation of judicial authority. The rules shall at a minimum establish:
 - (a) types of cases and matters commissioners may hear;
 - (b) types of orders commissioners may recommend;
 - (c) types of relief commissioners may recommend; and
 - (d) procedure for timely judicial review of recommendations and orders made by court commissioners.

Amended by Chapter 394, 2023 General Session

78A-5-108 Duties of the clerk of the district court.

The clerk of the district court shall:

- (1) take charge of and safely keep the court seal;
- (2) take charge of and safely keep or dispose of all books, papers, and records filed or deposited with the clerk, and all other records required by law or the rules of the Judicial Council;
- (3) issue all notices, processes, and summonses as authorized by law;
- (4) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;
- (5) take and certify acknowledgments and administer oaths;
- (6) supervise the deputy clerks as required to perform the duties of the clerk's office; and
- (7) perform other duties as required by the presiding judge, the court executive, applicable law, and the rules of the Judicial Council.

Renumbered and Amended by Chapter 3, 2008 General Session

78A-5-109 Costs of system.

- (1) The cost of salaries, travel, and training required for the discharge of the duties of district court judges, court commissioners, secretaries of judges or court executives, court executives, and court reporters shall be paid from appropriations made by the Legislature.
- (2) Except as provided in Subsection (1), the Judicial Council may directly provide for the actual and necessary expenses of operation of the district court, including personnel salary and benefits, travel, training, facilities, security, equipment, furniture, supplies, legal reference materials, and other operating expenses, or may contract with the county in a county seat or with the unit of local government in municipalities other than a county seat for the actual and necessary expenses of the district court. Any necessary contract with the county or unit of local government shall be pursuant to Subsection 78A-5-111(4).

Renumbered and Amended by Chapter 3, 2008 General Session

78A-5-110 Allocation of district court fees and forfeitures.

- (1) Except as provided in this section, district court fines and forfeitures collected for violation of state statutes shall be paid to the state treasurer.
- (2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state treasurer and 1/2 to the treasurer of the state or local governmental entity which prosecutes or which would prosecute the violation.
- (3)
 - (a) Fines and forfeitures collected for violations of Title 23A, Wildlife Resources Act, Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.
 - (b) For violations of Title 23A, Wildlife Resources Act, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.
 - (c) For violations of Title 41, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor Recreation and 15% to the General Fund.
- (4)
 - (a) The state treasurer shall allocate fines and forfeitures collected for a violation of Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department of Transportation for use on class B and class C roads.
 - (b) Fees established by the Judicial Council shall be deposited in the state General Fund.
 - (c) Money allocated for class B and class C roads is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.
- (5)
 - (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:
 - (i) 60% to the state treasurer to be deposited into the Transportation Fund; and
 - (ii) 40% in accordance with Subsection (2).
 - (b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:
 - (i) 50% to the state treasurer to be deposited into the Transportation Fund; and
 - (ii) 50% in accordance with Subsection (2).

- (6) For fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to the school district or private school that owns or contracts for the use of the bus, and the state treasurer shall allocate 40% to the treasurer of the state or local governmental entity that prosecutes or that would prosecute the violation, and 40% to the General Fund.
- (7) Fines and forfeitures collected for any violations not specified in this chapter or otherwise provided for by law shall be paid to the state treasurer.
- (8) Fees collected in connection with civil actions filed in the district court shall be paid to the state treasurer.
- (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

Amended by Chapter 34, 2023 General Session

78A-5-111 Transfer of court operating responsibilities -- Facilities -- Staff -- Budget.

- (1) A county's determination to transfer responsibility for operation of the district court to the state is irrevocable.
- (2)
 - (a) Court space suitable for the conduct of judicial business as specified by the Judicial Council shall be provided by the state from appropriations made by the Legislature for these purposes.
 - (b) The state may, in order to carry out its obligation to provide these facilities, lease space from a county, or reimburse a county for the number of square feet used by the district. Any lease and reimbursement shall be determined in accordance with the standards of the Division of Facilities Construction and Management applicable to state agencies generally. A county or municipality terminating a lease with the court shall provide written notice to the Judicial Council at least one year prior to the effective date of the termination.
 - (c) District courts shall be located in municipalities that are sites for the district court or circuit court as of January 1, 1994. Removal of the district court from the municipality shall require prior legislative approval by joint resolution.
- (3) The state shall provide legal reference materials for all district judges' chambers and courtrooms, as required by Judicial Council rule. Maintenance of county law libraries shall be in consultation with the court executive of the district court.
- (4)
 - (a) At the request of the Judicial Council, the county or municipality shall provide staff for the district court in county seats or municipalities under contract with the administrative office of the courts.
 - (b) Payment for necessary expenses shall be by a contract entered into annually between the state and the county or municipality, which shall specifically state the agreed costs of personnel, supplies, and services, as well as the method and terms of payment.
 - (c) Workload measures prepared by the state court administrator and projected costs for the next fiscal year shall be considered in the negotiation of contracts.
 - (d) Each May 1 preceding the general session of the Legislature, the county or municipality shall submit a budget request to the Judicial Council, the governor, and the legislative fiscal analyst for services to be rendered as part of the contract under Subsection (4)(b) for the fiscal year immediately following the legislative session. The Judicial Council shall consider this information in developing its budget request. The legislative fiscal analyst shall

provide the Legislature with the county's or municipality's original estimate of expenses. By June 15 preceding the state's fiscal year, the county and the state court administrator shall negotiate a contract to cover expenses in accordance with the appropriation approved by the Legislature. The contracts may not include payments for expenses of service of process, indigent defense costs, or other costs or expenses provided by law as an obligation of the county or municipality.

Amended by Chapter 421, 2022 General Session

Part 2 Drug Court

78A-5-201 Creation and expansion of existing drug court programs -- Definition of drug court program -- Criteria for participation in drug court programs -- Reporting requirements.

- (1) There may be created a drug court program in any judicial district that demonstrates:
 - (a) the need for a drug court program; and
 - (b) the existence of a collaborative strategy between the court, prosecutors, defense counsel, corrections, and substance abuse treatment services to reduce substance abuse by offenders.
- (2) The collaborative strategy in each drug court program shall:
 - (a) include monitoring and evaluation components to measure program effectiveness; and
 - (b) be submitted to, for the purpose of coordinating the disbursement of funding, the:
 - (i) executive director of the Department of Health and Human Services;
 - (ii) executive director of the Department of Corrections; and
 - (iii) state court administrator.
- (3)
 - (a) Funds disbursed to a drug court program shall be allocated as follows:
 - (i) 87% to the Department of Health and Human Services for testing, treatment, and case management; and
 - (ii) 13% to the Administrative Office of the Courts for increased judicial and court support costs.
 - (b) This provision does not apply to federal block grant funds.
- (4) A drug court program shall include continuous judicial supervision using a cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment services, juvenile court probation, and the Division of Child and Family Services as appropriate to promote public safety, protect participants' due process rights, and integrate substance abuse treatment with justice system case processing.
- (5) Screening criteria for participation in a drug court program shall include:
 - (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related offense;
 - (b) an agreement to frequent alcohol and other drug testing;
 - (c) participation in one or more substance abuse treatment programs; and
 - (d) an agreement to submit to sanctions for noncompliance with drug court program requirements.
- (6)
 - (a) The Judicial Council shall develop rules prescribing eligibility requirements for participation in adult criminal drug courts.
 - (b) The eligibility requirements described in Subsection (6)(a):

- (i) shall require that the acceptance of an offender into a drug court is based on a risk and needs assessment and targeted at individuals who are high risk and high needs; and
 - (ii) may not limit participation in a drug court only to individuals convicted of an offense described in Section 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219, or an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of Section 76-18-204, 76-18-207, 76-18-208, 76-18-209, 76-18-210, 76-18-211, 76-18-212, 76-18-213, 76-18-214, 76-18-215, 76-18-216, 76-18-217, 76-18-218, or 76-18-219.
- (c) A plea to, conviction of, or adjudication for a felony offense is not required for participation in a drug court program.

Amended by Chapter 362, 2026 General Session

78A-5-202 Creation of Drug Board Pilot Project -- Definition of Drug Board Pilot Project -- Criteria for parolee participation in the Drug Board Pilot Project -- Reporting requirements.

- (1) There may be created a Drug Board Pilot Project in Davis and Weber counties that includes intensive substance abuse treatment, frequent drug testing, and other additional conditions of parole, with the expectation that the offender will be required to complete the substance abuse treatment, remain drug free, and meet all other conditions of parole.
- (2) Screening criteria for parolee participation in the Drug Board Pilot Project shall:
 - (a) be determined by the Board of Pardons and Parole and the Department of Corrections; and
 - (b) include parolees who are facing an eminent return to prison due to substance abuse.

Renumbered and Amended by Chapter 3, 2008 General Session

**Part 3
Veterans Treatment Court Act**

78A-5-301.5 Title.

This part is known as the "Veterans Treatment Court Act."

Enacted by Chapter 62, 2020 General Session

78A-5-302 Definitions.

As used in this part:

- (1) "Defendant" means a veteran charged with a criminal offense.
- (2) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- (3)
 - (a) "Participant agreement" means the record, required by Subsection 78A-5-304(1), of the policies and procedures of a veterans treatment court and any specific terms and conditions applicable to the defendant.
 - (b) "Participant agreement" includes a modification under Section 78A-5-310.
- (4) "Record," except as otherwise provided in Subsection 78A-5-307(1)(c), means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

- (5) " Service member" means:
 - (a) a member of the active or reserve components of the armed forces as defined in Section 68-3-12.5; or
 - (b) a member of the National Guard of the United States.
- (6)
 - (a) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
 - (b) "State" includes a federally recognized Indian tribe.
- (7) "Veteran" means a former service member who qualifies for health care benefits from the Veterans Administration.
- (8) "Veterans treatment court" means a veterans treatment court program administered under this part by a court of this state.

Amended by Chapter 44, 2023 General Session

78A-5-303 Creation of a veterans treatment court.

- (1) The Judicial Council may create a veterans treatment court in any judicial district or geographic region that demonstrates:
 - (a) the need for a veterans treatment court; and
 - (b) the existence of a collaborative strategy between the veterans treatment court, prosecutors, defense attorneys, substance abuse treatment services, the Department of Corrections, and the United States Department of Veterans Affairs Veterans Justice Outreach Program to work with veteran offenders.
- (2) A veterans treatment court shall:
 - (a) establish a collaborative strategy that includes monitoring and evaluation components to measure program effectiveness; and
 - (b) submit a collaborative strategy, for the purpose of coordinating the disbursement of funding, to the Administrative Office of the Courts.
- (3) A veterans treatment court shall include continuous judicial supervision using a cooperative approach with prosecutors, defense attorneys, substance abuse treatment services, the Department of Corrections, and the United States Department of Veterans Affairs Veterans Justice Outreach Program, as appropriate, to promote public safety, protect participants' due process rights, and integrate veteran treatment programs with the justice system case processing.
- (4) Screening criteria for participation in a veterans treatment court shall include:
 - (a) a plea in abeyance or plea agreement for a criminal offense, or a requirement for participation in a veterans treatment court as a condition of probation;
 - (b) frequent alcohol and other drug testing, if appropriate;
 - (c) participation in veteran outreach programs, including substance abuse treatment programs where appropriate;
 - (d) sanctions for noncompliance with the requirements for participation in a veterans treatment court; and
 - (e) any additional criteria developed by a veterans treatment court.
- (5) No later than October 1 each year, the Administrative Office of the Courts shall provide to the Criminal Justice Appropriations Subcommittee a written report describing:
 - (a) the types of policies and procedures adopted by veteran treatment courts;
 - (b) the number of veteran participants in the previous fiscal year;

- (c) the outcomes for veteran participants in the previous fiscal year; and
- (d) recommendations for future veterans treatment courts, including expansion and funding.

Amended by Chapter 271, 2025 General Session

78A-5-304 Record of policies and procedures.

- (1) A veterans treatment court shall create a record of policies and procedures adopted to implement Sections 78A-5-305 through 78A-5-312.
- (2) A veterans treatment court shall seek input from prosecutors, defense attorneys, and other interested persons in developing and adopting policies and procedures to implement Sections 78A-5-305 through 78A-5-312.

Enacted by Chapter 62, 2020 General Session

78A-5-305 Policies and procedures for a veterans treatment court.

- (1) A veterans treatment court shall adopt policies and procedures to:
 - (a) integrate alcohol-treatment, drug-treatment, and mental-health services with the defendant's criminal case;
 - (b) use a nonadversarial approach in which prosecutors and defense attorneys promote public safety while protecting due-process rights of defendants;
 - (c) exercise early identification of eligible defendants;
 - (d) provide access to a continuum of alcohol-treatment, drug-treatment, mental-health treatment, and other related treatment and rehabilitation services;
 - (e) monitor defendants for abstinence from alcohol and drugs by frequent testing;
 - (f) direct a coordinated strategy that responds to each defendant's needs;
 - (g) provide ongoing judicial interaction with each defendant;
 - (h) monitor and evaluate the achievement of goals;
 - (i) continue interdisciplinary education to promote effective veterans treatment court planning, implementation, and operations; and
 - (j) forge partnerships between the veterans treatment court and the United States Department of Veterans Affairs Veterans Justice Outreach Program, the Department of Veterans and Military Affairs, public agencies, and community-based organizations to generate local support and enhance the effectiveness of the veterans treatment court.
- (2) In adopting policies and procedures under this section, the court shall consider nationally recognized best practices to implement the policies and procedures described in Subsection (1) and comply with certification standards for problem-solving courts adopted by the Judicial Council.

Enacted by Chapter 62, 2020 General Session

78A-5-306 Supplemental policies and procedures of veterans treatment court.

- (1) A veterans treatment court may adopt supplemental policies and procedures to:
 - (a) refer a defendant with a medical or medication need to an appropriate health care provider;
 - (b) refer a defendant to other available services, including assistance with housing, employment, nutrition, and education;
 - (c) provide a defendant access to a mentor who is a veteran;

- (d) integrate intervention, treatment, and counseling, as part of the rehabilitative services offered to a defendant who has been a victim of domestic violence, sexual trauma, child abuse, or other trauma;
 - (e) confer with the victim or alleged victim of the domestic violence offense for which the defendant is charged that serves as the basis for the defendant's participation in the veterans treatment court;
 - (f) evaluate and assess a defendant charged with a domestic violence offense and integrate specific counseling as part of the total rehabilitative services for the defendant;
 - (g) monitor a defendant charged with a domestic violence offense to assure compliance with a domestic violence protection order, no-contact order, and prohibition of weapon possession; and
 - (h) otherwise assist the veterans treatment court.
- (2) In adopting policies and procedures under this section, the veterans treatment court shall consider nationally recognized best practices related to policies and procedures described in Subsection (1) and comply with certification standards for problem-solving courts adopted by the Judicial Council.

Enacted by Chapter 62, 2020 General Session

78A-5-307 Eligibility.

- (1) A defendant is eligible to be screened for participation in a veterans treatment court if:
- (a) the defendant is a veteran;
 - (b) the defendant has a mental-health condition, traumatic brain injury, or substance use disorder;
 - (c) the defendant agrees on the court record to voluntarily:
 - (i) participate in the veterans treatment court;
 - (ii) enter into a plea in abeyance or plea agreement, or participate in a veterans treatment court as a condition of probation; and
 - (iii) adhere to a participant agreement; and
 - (d) as determined by the court, the defendant's participation in the veterans treatment court would be in the interest of justice and of benefit to the defendant and the community.
- (2) In making the determination under Subsection (1)(d), a court shall consider:
- (a) the nature and circumstances of the offense charged;
 - (b) special characteristics or circumstances of the defendant, including the defendant's criminogenic risk and need;
 - (c) the defendant's criminal history and whether the defendant previously participated in a veterans treatment court or a similar program;
 - (d) whether the defendant's needs exceed treatment resources available to the veterans treatment court;
 - (e) the impact on the community of the defendant's participation and treatment in the veterans treatment court;
 - (f) special characteristics or circumstances of the victim or alleged victim;
 - (g) provision for, and the likelihood of obtaining, restitution from the defendant over the course of participation in the veterans treatment court;
 - (h) the recommendation of the prosecutor regarding whether the defendant should participate in a veterans treatment court;
 - (i) mitigating circumstances; and

(j) other circumstances reasonably related to the defendant, the defendant's case, and available resources.

(3) Section 77-37-3 applies when making the determination under Subsections (1) and (2).

Enacted by Chapter 62, 2020 General Session

78A-5-308 Requirement for admission.

For a defendant to be admitted to a veterans treatment court, the defendant and prosecutor must sign, and the court must approve, a participant agreement and a plea in abeyance, plea agreement, or probation agreement.

Enacted by Chapter 62, 2020 General Session

78A-5-309 Victim of domestic violence.

(1) If a victim or alleged victim of a domestic violence offense that serves as the basis for the defendant's participation in a veterans treatment court can be reasonably located, the victim or alleged victim must be offered:

- (a) referrals to domestic violence service providers; and
- (b) information on how to report an allegation of:
 - (i) an offense committed by the defendant; or
 - (ii) a violation by the defendant of the participant agreement.

(2) Except as expressly provided for in this part, the participation of the defendant in a veterans treatment court does not alter the rights of a victim or alleged victim of domestic violence under the law of this state.

Enacted by Chapter 62, 2020 General Session

78A-5-310 Modification or termination.

- (1)
 - (a) If a prosecutor finds that a defendant has failed to comply with the defendant's participant agreement, the prosecutor may notify the veterans treatment court and the defendant of the defendant's failure to comply with the participant agreement.
 - (b) Any notice by a prosecutor under Subsection (1)(a) shall include specific allegations of the defendant's non-compliant conduct with the participant agreement.
- (2) Upon notice under Subsection (1), or upon any other notice that the defendant has failed to comply with the defendant's participant agreement, the veterans treatment court shall hold a hearing, after giving notice to all parties, on the defendant's failure to comply with the participant agreement.
- (3) At the hearing described in Subsection (2), the veterans treatment court shall:
 - (a) review the defendant's conduct under the participant agreement; and
 - (b) hear recommendations from all parties in order to determine whether the defendant's participation in the veterans treatment court should be modified or terminated.
- (4) After notice and a hearing is provided in accordance with this section, the veterans treatment court may modify or terminate a defendant's participation in a veterans treatment court.

Enacted by Chapter 62, 2020 General Session

78A-5-311 Completion of the participant agreement.

If the veterans treatment court determines that a defendant has completed the requirements of the defendant's participant agreement, the court shall adjudicate the defendant's case in accordance with the defendant's participant agreement and any applicable plea in abeyance agreement, plea agreement, probation agreement, court order, or judgment.

Enacted by Chapter 62, 2020 General Session

78A-5-312 No right to participate.

This part does not create a right to participation in a veterans treatment court.

Enacted by Chapter 62, 2020 General Session

78A-5-313 Severability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the remainder of this part shall be given effect without the invalid provision or application.

Enacted by Chapter 62, 2020 General Session