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1	RESIDENCE OF JUSTICE COURT JUDGES							
2	1999 GENERAL SESSION							
3	STATE OF UTAH							
4	Sponsor: Terry R. Spencer							
5	AN ACT RELATING TO THE JUDICIAL CODE; REQUIRING THAT MUNICIPAL JUSTICE							
6	COURT JUDGES BE A RESIDENT OF THE MUNICIPALITY IN WHICH THE COURT IS							
7	LOCATED.							
8	This act affects sections of Utah Code Annotated 1953 as follows:							
9	AMENDS:							
10	78-5-137, as last amended by Chapter 84, Laws of Utah 1996							
11	Be it enacted by the Legislature of the state of Utah:							
12	Section 1. Section <b>78-5-137</b> is amended to read:							
13	78-5-137. Justice court judge eligibility Mandatory retirement Service after							
14	retirement.							
15	(1) A county justice court judge shall be:							
16	(a) a citizen of the United States;							
17	(b) 25 years of age or older;							
18	(c) a resident of Utah for at least three years immediately preceding his appointment;							
19	(d) a resident of the precinct for which chosen for at least six months immediately							
20	preceding appointment; and							
21	(e) a qualified voter of the precinct for which chosen.							
22	(2) A municipal justice court judge shall be:							
23	(a) a citizen of the United States;							
24	(b) 25 years of age or older;							
25	(c) a resident of Utah for at least three years immediately preceding appointment;							
26	(d) a resident of the [county in which the] municipality [is located or an adjacent county]							
27	or the jurisdictional area served by the court if the court serves multiple municipalities or counties							

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- (e) a qualified voter of the [county of residence] <u>municipality or jurisdictional area served</u> by the court if the court serves multiple municipalities or counties.
- (3) Justice court judges are not required to be admitted to practice law in the state as a qualification to hold office but shall have at the minimum a diploma of graduation from high school or its equivalent. This <u>educational</u> requirement does not apply to justice court judges holding office on July 1, 1989, who successfully complete continuing education requirements under Section 78-5-127.
- (4) 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.
- (5) (a) Except as provided in Subsections (5)(b) and (c), a county or municipal justice court judge shall retire upon attaining the age of 75 years.
- (b) A county justice court judge serving on July 1, 1996, who is 75 years of age or older on July 1, 1996, or who attains 75 years of age on or before the first Monday in February 1999, may not be a candidate in the 1998 judicial retention elections and shall retire on or before the first Monday in February 1999.
- (c) A municipal justice court judge serving on July 1, 1996, who is 75 years of age or older on July 1, 1996, or who attains 75 years of age on or before the first Monday in February 2000, may not be reappointed and shall retire on or before the first Monday in February 2000.
- (6) (a) A justice court judge whose tenure in office has terminated due to retirement and who is physically and mentally able to perform the duties of the office may hear a case as prescribed by rule of the Supreme Court.
- (b) The retired justice court judge shall take and subscribe an oath of office only upon the first appointment. The retired justice court judge shall receive reasonable compensation for services as set by local ordinance of the municipality or county.

## Legislative Review Note as of 2-2-99 10:16 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

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