

1st Sub. S.B. 72
JUSTICE COURT AMENDMENTS

Senator **Lyle W. Hillyard** proposes the following amendments:

1. *Page 2, Lines 45 through 46:*

45 (2) (a) Each justice or judge ~~{+}~~ **{+}** of a court of record ~~{+}~~ who wishes to retain office shall, in
46 the year the justice or judge is subject to a retention election:

2. *Page 7, Lines 182 through 191:*

182 (iv) two members appointed by the governing authority of the jurisdiction where the
183 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.

184 ~~{(b)}~~ **(c)** Members appointed under Subsections ~~(2)~~ (a)(i) and ~~{(a)}~~ (ii) may not be an
elected
185 official of the county or municipality.

186 ~~{(c)}~~ **(d)** The nominating commission shall submit at least two names to the appointing
187 authority of the jurisdiction expected to be served by the judge. The local government
188 executive shall appoint a judge from the list submitted and the appointment ratified by the local
189 legislative body.

190 ~~{(d)}~~ **(e)** The state court administrator shall provide staff to the commission. The Judicial
191 Council shall establish rules and procedures for the conduct of the commission.

3. *Page 7, Lines 205 through 206:*

205 (8) Before each retention election, each justice court judge shall be evaluated in
206 accordance with the performance evaluation program established in Subsection ~~{78A-1-104(5)}~~ **78A-2-**
104(5) .

4. *Page 7, Line 211 through Page 8, Line 213:*

211 ~~{(b)}~~ ~~(2)~~ Judges holding office [~~when this act takes effect~~] or appointed to fill any
212 vacancy before January 1, 2009 hold office until [~~reappointed or a successor is appointed and~~
213 ~~certified by the Judicial Council~~] the next general election.

(3)(a) Notwithstanding Section 20A-12-201, any municipal justice court judge holding office on January 1, 2009 may serve out their current term if the judge:

(i) stands for retention election in 2010, and is not retained in that election; or

(ii) chooses not to stand for election in 2010.

(b) A vacancy shall then exist in the office on the first Monday in February 2012.