

HB0392S01 compared with HB0392

~~{deleted text}~~ shows text that was in HB0392 but was deleted in HB0392S01.

inserted text shows text that was not in HB0392 but was inserted into HB0392S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Curtis Oda proposes the following substitute bill:

RETENTION ELECTIONS FOR JUSTICE COURT JUDGES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{delays unopposed judicial retention elections for}~~ allows justice court judges ~~{until the 2018 general election}~~ to be evaluated for the 2016 retention election under two different standards.

Highlighted Provisions:

This bill:

- ▶ ~~{requires, beginning January 1, 2018, that each justice court judge stand for an unopposed judicial}~~ for the 2016 retention election ~~{, and~~
→ ~~{requires}~~ only, authorizes the Judicial Performance Evaluation Commission to ~~{begin evaluating the performance of}~~ evaluate justice court judges ~~{beginning January 1, 2014, in preparation for the 2018 retention elections of}~~ under two different standards by allowing:

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- justice court judges who are employed part-time on July 1, 2012 to be evaluated by the criteria established before the Judicial Performance Evaluation Commission was established; and
- justice court judges who are employed full-time on July 1, 2012 to be evaluated by the new criteria established when the Judicial Performance Evaluation Commission was created.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-278, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and amended by Laws of Utah 2008, Chapter 382

78A-7-202, as last amended by Laws of Utah 2009, Chapter 146

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 63I-2-278 is amended to read:

63I-2-278. Repeal dates, Title 78A and Title 78B.

(1) Subsection 78A-7-202(9) is repealed November 15, 2016.

[(1)](2) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

[(2)] Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.

Section ~~1~~2. Section **78A-7-202** is amended to read:

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

(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

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(C) the county manager in a county operating under the council-manager form of county government; and

(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(6).

(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 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 an elected official of the county or municipality.

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(d) The nominating commission shall submit at least two 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, the Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program.

(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.

(7) ~~Upon~~ ~~Beginning January 1, 2018, upon~~ the expiration of a justice court judge's term of office, the judge shall be subject to an unopposed retention election in the county or counties in which the court to which the judge is appointed is located, in accordance with the procedures set forth in Section 20A-12-201.

(8) ~~Before~~ ~~Beginning January 1, 2014, before~~ each retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in ~~[Subsection 78A-2-104(5)]~~ ~~Section 78A-12-203~~.

Legislative Review Note

~~as of 2-8-11 1:21 PM~~

~~Office of Legislative Research and General Counsel~~; Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act.

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(9) Notwithstanding Subsection (8), each justice court judge who is subject to a retention election in 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) have no less than 30 annual hours of continuing legal education for each year of the justice court judge's current term;

(b) have no 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) have no cases under advisement for more than two months.