

90 **78A-2-301.5. Civil fees for justice courts.**

91 (1) The fee for filing a small claims affidavit is:

92 (a) \$60 if the claim for damages or amount in interpleader exclusive of justice court
 93 costs, interest, and attorney fees is \$2,000 or less;

94 (b) \$100 if the claim for damages or amount in interpleader exclusive of justice court
 95 costs, interest, and attorney fees is greater than \$2,000, but less than \$7,500; and

96 (c) \$185 if the claim for damages or amount in interpleader exclusive of justice court
 97 costs, interest, and attorney fees is \$7,500 or more.

98 (2) The fee for filing a small claims counter affidavit is:

99 (a) \$50 if the claim for relief exclusive of justice court costs, interest, and attorney fees
 100 is \$2,000 or less;

101 (b) \$70 if the claim for relief exclusive of justice court costs, interest, and attorney fees
 102 is greater than \$2,000, but less than \$7,500; and

103 (c) \$120 if the claim for relief exclusive of justice court costs, interest, and attorney
 104 fees is \$7,500 or more.

105 (3) The fee for filing a petition for expungement is \$135.

106 (4) The fee for a petition to open a sealed record is \$35.

107 (5) The fee for a writ of replevin, attachment, execution, or garnishment is \$50 in
 108 addition to any fee for a complaint or petition.

109 (6) **→ The fee for filing a notice of appeal to a court of record is \$10. This fee covers**
 109a **all services of the justice court on appeal but does not satisfy the trial de novo filing fee in the**
 109b **court of record.**

109c (7) ~~←\$~~ The fee for a certified copy of a document is \$4 per document plus 50 cents per
 110 page.

111 ~~→ [(7)]~~ **8 ←\$** The fee for an exemplified copy of a document is \$6 per document plus 50
 111a cents

112 per page.

113 ~~→ [(8)]~~ **9 ←\$** The fee schedule adopted by the Judicial Council for copies of documents
 113a and

114 forms and for the search and retrieval of records under Title 63G, Chapter 2, Government
 115 Records Access and Management Act, shall apply.

116 ~~→ [(9)]~~ **10 ←\$** There is no fee for services or the filing of documents not listed in this
 116a section or
 117 otherwise provided by law.

118 **§→** ~~(10)~~ **11 ←§** The filing fees under this section may not be charged to the state, its
118a agencies, or
119 political subdivisions filing or defending any action.
120 Section 2. Section **78A-7-101** is amended to read:

214 (a) procedures include requirements that every municipality or county that establishes
 215 or maintains a justice court provide for the following minimum operating standards:

216 (i) a system to ensure the justice court records all proceedings with a digital audio
 217 recording device and maintains the audio recordings for a minimum of one year;

218 (ii) sufficient ~~§~~ **→** [public] ~~←~~ **§** prosecutors to perform the prosecutorial duties before the
 218a justice

219 court ~~§~~ **→** [and to attend to the other demands of the justice court] ~~←~~ **§** ;

220 (iii) adequate funding to defend all persons charged with a public offense who are
 221 determined by the justice court to be indigent under Title 77, Chapter 32, Indigent Defense Act;

222 (iv) sufficient local peace officers to provide security for the justice court and to attend
 223 to the justice court when required;

224 (v) sufficient clerical personnel to serve the needs of the justice court;

225 (vi) sufficient funds to cover the cost of travel and training expenses of clerical
 226 personnel and judges at training sessions mandated by the Judicial Council;

227 (vii) adequate courtroom and auxiliary space for the justice court, which need not be
 228 specifically constructed for or allocated solely for the justice court when existing facilities
 229 adequately serve the purposes of the justice court; and

230 (viii) for each judge of its justice court, a current copy of the Utah Code, the Utah
 231 Court Rules Annotated, the justice court manual published by the state court administrator, the
 232 county, city, or town ordinances as appropriate, and other legal reference materials as
 233 determined to be necessary by the judge; and

234 (b) the Judicial Council's rules and procedures shall:

235 (i) presume that existing justice courts will be recertified at the end of each four-year
 236 term if the court continues to meet the minimum requirements for the establishment of a new
 237 justice court; or

238 (ii) authorize the Judicial Council, upon request of a municipality or county or upon its
 239 own review, when a justice court does not meet the minimum requirements, to:

240 (A) decline recertification of a justice court;

241 (B) revoke the certification of a justice court;

242 (C) extend the time for a justice court to comply with the minimum requirements; or

243 (D) suspend rules of the Judicial Council governing justice courts, if the council

244 believes suspending those rules is the appropriate administrative remedy for the justice courts

338 (1) In a criminal case, a defendant is entitled to a trial de novo in the district court only
 339 if the defendant files a notice of appeal within 30 days of:

340 [~~(a) sentencing after a bench or jury trial, or a plea of guilty in the justice court~~
 341 ~~resulting in a finding or verdict of guilt, or]~~

342 (a) ~~§~~ → **[imposition of sentence] sentencing, except as provided in Subsection (3)(b)** ← ~~§~~ ;
 342a or

343 (b) a plea of guilty or no contest in the justice court that is held in abeyance.

344 (2) If an appeal under Subsection (1) is of a plea entered pursuant to negotiation with
 345 the prosecutor, and the defendant did not reserve the right to appeal as part of the plea
 346 negotiation, the negotiation is voided by the appeal.

347 (3) A defendant convicted and sentenced in justice court is entitled to a hearing de
 348 novo in the district court on the following matters, if the defendant files a notice of appeal
 349 within 30 days of:

350 (a) an order revoking probation;

351 (b) an order entering a judgment of guilt pursuant to the person's failure to fulfil the
 352 terms of a plea in abeyance agreement;

353 (c) a sentence entered pursuant to Subsection (3)(b); or

354 (d) an order denying a motion to withdraw a plea.

355 (4) The prosecutor is entitled to a hearing de novo in the district court on:

356 (a) a final judgment of dismissal;

357 (b) an order arresting judgment;

358 (c) an order terminating the prosecution because of a finding of double jeopardy or
 359 denial of a speedy trial;

360 (d) a judgment holding invalid any part of a statute or ordinance;

361 (e) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of
 362 that evidence prevents continued prosecution of an infraction or class C misdemeanor;

363 (f) a pretrial order excluding evidence, when the prosecutor certifies that exclusion of
 364 that evidence impairs continued prosecution of a class B misdemeanor; or

365 (g) an order granting a motion to withdraw a plea of guilty or no contest.

366 (5) A notice of appeal for a hearing de novo in the district court on a pretrial order
 367 excluding evidence under Subsection (4)(e) or (f) shall be filed within 30 days of the order
 368 excluding the evidence.