

1 **JUDICIAL PERFORMANCE EVALUATION COMMISSION**

2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Eric K. Hutchings**

6 Senate Sponsor: John L. Valentine

7 

---

---

**LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Judicial Performance Evaluation Commission  
10 Act.

11 **Highlighted Provisions:**

12 This bill:  
13 ▶ defines terms;  
14 ▶ includes justice court judges as subject to an evaluation process performed by the  
15 Judicial Performance Evaluation Commission; and  
16 ▶ creates the criteria for the evaluation of justice court judges under the direction of  
17 the Judicial Performance Evaluation Commission.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **78A-12-102**, as enacted by Laws of Utah 2008, Chapter 248

25 ENACTS:

26 **78A-12-207**, Utah Code Annotated 1953  
27



28

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

30 Section 1. Section **78A-12-102** is amended to read:

31 **78A-12-102. Definitions.**

32 As used in this chapter:

33 (1) "Commission" means the Judicial Performance Evaluation Commission established  
34 by this chapter.

35 (2) [~~"Judge"~~] Except as provided in Section [78A-12-207](#), "judge" means a state court  
36 judge or a state court justice who is subject to a retention election.

37 (3) "Justice" means a judge who is a member of the Supreme Court.

38 (4) "Justice court judge" means a judge appointed pursuant to Title 78A, Chapter 7,  
39 Justice Court.

40 Section 2. Section **78A-12-207** is enacted to read:

41 **78A-12-207. Evaluation of justice court judges.**

42 (1) The Judicial Performance Evaluation Commission shall:

43 (a) conduct a performance evaluation for each justice court judge in the third and fifth  
44 year of the justice court judge's term;

45 (b) classify each justice court judge into one of the following three categories:

46 (i) full evaluation;

47 (ii) midlevel evaluation; or

48 (iii) basic evaluation; and

49 (c) establish evaluation criteria for each of the three categories.

50 (2) A full evaluation justice court judge shall be subject to the requirements of the  
51 Judicial Performance Evaluation Commission Act.

52 (3) A midlevel evaluation justice court judge shall be governed by the Judicial  
53 Performance Evaluation Commission Act, except as provided below:

54 (a) an electronic intercept survey shall be administered by the commission periodically  
55 outside the courtroom of the evaluated justice court judge in lieu of the survey specified in

56 Section [78A-12-204](#); and

57 (b) courtroom observation may not be conducted for midlevel evaluation justice court  
58 judges.

59           (4) A basic evaluation justice court judge shall comply with the following performance  
60 standards:

61           (a) no fewer than 30 hours of continuing judicial education for each year of the justice  
62 court judge's current term;

63           (b) no more than one public reprimand issued by the Judicial Conduct Commission or  
64 the Supreme Court during the justice court judge's current term;

65           (c) no cases under advisement for more than two months during the justice court  
66 judge's current term; and

67           (d) other performance standards the commission may promulgate by administrative  
68 rule.

---

---

**Legislative Review Note**  
**as of 1-23-14 9:12 AM**

**Office of Legislative Research and General Counsel**