

Senator Lyle W. Hillyard proposes the following substitute bill:

JUSTICE COURT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Craig Hall

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill requires justice court judges in the first and second class counties to be law school graduates.

Highlighted Provisions:

This bill:

- requires justice court judges in counties of the first and second class to have graduated from law school;
- allows current justice court judges ~~to remain on the bench in~~ **office** until they leave; and
- permits certain political subdivisions with more than one justice court to initiate reductions in force.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-201, as last amended by Laws of Utah 2012, Chapter 205

78A-7-203, as last amended by Laws of Utah 2012, Chapter 205



26

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

28 Section 1. Section **78A-7-201** is amended to read:

29 **78A-7-201. Justice court judge eligibility -- Mandatory retirement.**

30 (1) A justice court judge shall be:

31 (a) a citizen of the United States;

32 (b) 25 years of age or older;

33 (c) a resident of Utah for at least three years immediately preceding his appointment;

34 (d) a resident of the county in which the court is located or an adjacent county for at

35 least six months immediately preceding appointment; and

36 (e) a qualified voter of the county in which the judge resides.

37 (2) ~~[Justice]~~ Effective May 10, 2016, a justice court ~~[judges are]~~ judge is not required

38 to be admitted to practice law in the state as a qualification to hold office but:

39 (a) in counties of the first and second class, a justice court judge shall have a degree

40 from a law school that makes one eligible to apply for admission to a bar in any state; and

41 (b) in counties of the third, fourth, fifth, and sixth class, a justice court judge shall have

42 at the minimum a diploma of graduation from high school or its equivalent.

43 (3) A justice court judge shall be a person who has demonstrated maturity of judgment,

44 integrity, and the ability to understand and apply appropriate law with impartiality.

45 (4) ~~[Justice]~~ A ~~Ŝ~~ **→ justice ←Ŝ** court ~~[judges]~~ judge shall retire upon attaining the age of 75

45a years.

46 (5) In counties of the first and second class, if there are not at least three applicants for

47 a justice court judge position who meet the requirements of Subsection (2)(a), the justice court

48 nominating commission shall re-advertise the position, and may accept applications from

49 persons who do not meet the requirements of Subsections (1)(d) and (2)(a).

50 (6) (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the

51 Courts shall provide notice to all attorneys in the county and adjacent counties when a justice

52 court judge position is vacant.

53 (b) If the justice court nominating commission waives the requirement of Subsection

54 (1)(d) in accordance with Subsection (5), the Administrative Office of the Courts shall provide

55 notice to all attorneys in the state.

56 (7) A justice court judge ~~Ŝ~~ **→** ~~[sitting on the bench]~~ **holding office** ~~←Ŝ~~ on May 10, 2016

56a who does not meet the

57 qualification in Subsection (2)(a) may continue in the judge's position until the judge resigns,
58 retires, is not retained in a retention election, or is removed from office.

59 Section 2. Section 78A-7-203 is amended to read:

60 **78A-7-203. Term of office for justice court judge -- Retention -- Reduction in**
61 **force.**

62 (1) The term of a justice court judge is six years beginning the first Monday in January
63 following the date of election.

64 (2) Upon the expiration of a justice court judge's term of office, the judge shall be
65 subject to an unopposed retention election in accordance with the procedures set forth in
66 Section 20A-12-201:

67 (a) in the county or counties in which the court to which the judge is appointed is
68 located if the judge is a county justice court judge or a municipal justice court judge in a town
69 or city of the fourth or fifth class; or

70 (b) in the municipality in which the court to which the judge is appointed is located if
71 the judge is a municipal justice court judge and Subsection (2)(a) does not apply.

72 (3) Before each retention election, each justice court judge shall be evaluated in
73 accordance with the performance evaluation program established in Title 78A, Chapter 12,
74 Judicial Performance Evaluation Commission Act.

75 (4) Notwithstanding Subsection (3), each justice court judge who is subject to a
76 retention election in 2012, 2014, and 2016, and who is not a full-time justice court judge on
77 July 1, 2012, shall be evaluated by the Judicial Performance Evaluation Commission according
78 to the following performance standards:

79 (a) the justice court judge shall have at least 30 annual hours of continuing legal
80 education for each year of the justice court judge's current term;

81 (b) the justice court judge may not have more than one public reprimand issued by the
82 Judicial Conduct Commission or the Supreme Court during the justice court judge's current
83 term; and

84 (c) the justice court judge may not have had any cases under advisement for more than
85 two months.

86 (5) Political subdivisions in counties of the first and second class that have more than
87 one justice court judge and the weighted caseload per judge is lower than 0.60 as determined

88 by the Administrative Office of the Courts may, at the political subdivision's discretion ~~§~~→ **and at**
88a **the end of a judge's term of office** ←~~§~~ , initiate
89 a reduction in force and reduce, lay off, terminate, or eliminate a judge's position pursuant to
90 the political subdivision's employment policies.
90a ~~§~~→ **(6) Political subdivisions in counties of the first and second class may only add new**
90b **justice court judge positions if the Judicial Council, after considering the caseload of the court,**
90c **approves creation of the position.** ←~~§~~