

## HB0160S01 compared with HB0160

~~{deleted text}~~ shows text that was in HB0160 but was deleted in HB0160S01.

inserted text shows text that was not in HB0160 but was inserted into HB0160S01.

**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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Craig Hall proposes the following substitute bill:

### JUSTICE COURT JUDGE QUALIFICATIONS AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Craig Hall**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill requires justice court judges to be ~~{admitted to the practice of}~~law school graduates.

##### Highlighted Provisions:

This bill:

- ▶ requires justice court judges to ~~{be admitted to the practice of law within this state;~~
- ▶ ~~is companion legislation to a proposed constitutional amendment; and~~
- ▶ ~~contains language making it effective only upon passage of the constitutional amendment}~~have graduated from law school; and
- ▶ grandfathers in current justice court judges until their next retention election.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

(1) A justice court judge shall be:

- (a) a citizen of the United States;
- (b) 25 years of age or older;

~~{ (c) admitted to practice law in this state; }~~

~~{ (c) }~~ ~~{ (d) }~~ a resident of Utah for at least three years immediately preceding [his] appointment;

~~{ (d) }~~ ~~{ (e) }~~ a resident of the county in which the court is located or an adjacent county for at least six months immediately preceding appointment; and

~~{ (e) }~~ ~~{ (f) }~~ a qualified voter of the county in which the judge resides.

~~{ (2) }~~ Justice court judges are not required to be admitted to practice law in the state as a qualification to hold office but shall have ~~[at the minimum a diploma of graduation from high school or its equivalent { }]~~

~~{ (3) }~~ ~~{ (2) }~~ a degree from a law school that makes one eligible to apply for admission to a bar in any state.

(3) A justice court judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

~~{ (4) }~~ ~~{ (3) }~~ A Justice court [judges] judge shall retire upon attaining the age of 75 years.

~~{ Section 2. Contingent effective date: }~~

~~{ The amendments proposed by this bill shall have the same effective date as H.J.R. 1, Proposal to Amend Utah Constitution - Judges of Courts Not of Record, if H.J.R. 1 passes during the 2016 General Session, and is approved by a majority of those voting on it at the next }~~

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[regular general election.](#)

### Legislative Review Note

~~Office of Legislative Research and General Counsel~~ (5) (a) If there are no applicants for a justice court judge position who meet the requirements of Subsection (2), the justice court nominating commission may accept applications from persons who do not meet the requirements of Subsection (1)(d).

(b) If, after waiving the requirements of Subsection (1)(d), there are no applicants for a justice court judge position who meet the requirements of Subsection (2), the justice court nominating commission may accept applications from persons who do not meet the requirements of Subsection (2).

(6) (a) In accordance with Subsection 78A-7-202(3), the Administrative Office of the Courts shall provide notice to all attorneys in the county and adjacent counties when a justice court judge position is vacant.

(b) If the justice court nominating commission waives the requirement of Subsection (1)(d) in accordance with Subsection (5)(a), the Administrative Office of the Courts shall provide notice to all attorneys in the state.

(7) A justice court judge sitting on the bench on January 30, 2017, who does not meet the qualification in Subsection (2) may continue in the judge's position until the end of the current term, but may not stand for retention at the end of the term.