

HB0160S02 compared with HB0160S01

~~deleted text~~ shows text that was in HB0160S01 but was deleted in HB0160S02.

inserted text shows text that was not in HB0160S01 but was inserted into HB0160S02.

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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: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires justice court judges in counties of the first, second, and third class to have graduated from law school; and
- ▶ ~~grandfathers in~~ allows current justice court judges until ~~their next retention election~~ to remain on the bench until they leave.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

AMENDS:

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

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) a resident of Utah for at least three years immediately preceding ~~his~~ appointment;

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

(2) ~~Justice~~ Effective May 10, 2016, a justice court ~~judges are~~ judge is not required to be admitted to practice law in the state as a qualification to hold office but:

(a) in counties of the first, second, and third class, a justice court judge shall have ~~at the minimum a diploma of graduation from high school or its equivalent~~ a degree from a law school that makes one eligible to apply for admission to a bar in any state; and

(b) in counties of the fourth, fifth, and sixth class, a justice court judge shall have at the minimum a diploma of graduation from high school or its equivalent.

(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) ~~A~~ Justice A court ~~judges~~ judge shall retire upon attaining the age of 75 years.

(5) ~~(a) If~~ In counties of the first, second, and third class, if there are ~~no~~ not at least three applicants for a justice court judge position who meet the requirements of Subsection (2)(a), the justice court nominating commission shall re-advertise the position, and 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~~

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~~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)~~Subsections (1)(d) and (2)(a).

(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~~May 10, ~~2017~~2016 who does not meet the qualification in Subsection (2)(a) 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.~~judge resigns, retires, is not retained in a retention election, or is removed from office.