

JUDICIAL RETENTION FOR JUSTICE COURT JUDGES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies provisions related to justice court judges.

Highlighted Provisions:

This bill:

▶ expands to all cities and counties authority to initiate a reduction in workforce in a justice court in certain circumstances; and

▶ expands to all cities and counties a requirement that a new justice court judge position requires approval from the Judicial Council.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-203, as last amended by Laws of Utah 2019, Chapter 429

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

Section 1. Section **78A-7-203** is amended to read:

78A-7-203. Term of office for justice court judge -- Retention -- Reduction in force -- Addition of a justice court judge position.

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

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

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

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

38 (3) Before each retention election, each justice court judge shall be evaluated in
39 accordance with the performance evaluation program established in Chapter 12, Judicial
40 Performance Evaluation Commission Act.

41 (4) A [~~political subdivision in a county of the first or second class~~] municipality or
42 county that has more than one justice court judge and the weighted caseload per judge is lower
43 than 0.60 as determined by the Administrative Office of the Courts may, at the [~~political~~
44 ~~subdivision's~~] municipality's or county's discretion and at the end of a judge's term of office,
45 initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position
46 [~~pursuant to the political subdivision's~~] in accordance with the municipality's or county's
47 employment policies.

48 (5) A [~~political subdivision in a county of the first or second class~~] municipality or
49 county may only add a new justice court judge position if the Judicial Council, after
50 considering the caseload of the court, approves creation of the position.