

1                                   **JUSTICE COURT JURISDICTION AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Keven J. Stratton**

5   Senate Sponsor: Todd Weiler

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends a provision relating to the territorial jurisdiction of a justice court.

10 **Highlighted Provisions:**

11                   This bill:

- 12                   ▶ extends the jurisdiction of a county justice court for limited circumstances.

13 **Money Appropriated in this Bill:**

14                   None

15 **Other Special Clauses:**

16                   None

17 **Utah Code Sections Affected:**

18 AMENDS:

19                   **78A-7-105**, as last amended by Laws of Utah 2014, Chapter 151

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

22                   Section 1. Section **78A-7-105** is amended to read:

23                   **78A-7-105. Territorial jurisdiction -- Voting.**

24                   (1) (a) The territorial jurisdiction of county justice courts extends to the limits of the  
25 precinct for which the justice court is created and includes all cities or towns within the  
26 precinct, ~~except~~ other than cities where a municipal justice court exists.

27                   (b) A county or district attorney may file a class B or C misdemeanor offense in a  
28 county justice court, regardless of where the act occurred, if:

29            (i) the same offense could have been filed as a class A misdemeanor in district court;

30            (ii) statute provides that an attempt to commit the offense described in Subsection

31 (1)(b)(i) is a class B or class C misdemeanor; and

32            (iii) the case was submitted to the county or district attorney's office for prosecution.

33            (c) Notwithstanding Subsection (1)(a), the territorial jurisdiction of a county justice

34 court extends to the place where the act, filed as a class B or C misdemeanor under Subsection

35 (1)(b), occurred.

36            (2) The territorial jurisdiction of municipal justice courts extends to the corporate  
37 limits of the municipality in which the justice court is created.

38            (3) Justice court judges have the same authority regarding matters within their  
39 jurisdiction as judges of courts of record.

40            (4) A justice court may issue all extraordinary writs and other writs as necessary to  
41 carry into effect its orders, judgments, and decrees.

42            (5) (a) Except as provided in this Subsection (5), a judgment rendered in a justice court  
43 does not create a lien upon any real property of the judgment debtor unless the judgment or  
44 abstract of the judgment:

45            (i) is recorded in the office of the county recorder of the county in which the real  
46 property of the judgment debtor is located; and

47            (ii) contains the information identifying the judgment debtor in the judgment or  
48 abstract of judgment as required in Subsection 78B-5-201(4)(b) or as a separate information  
49 statement of the judgment creditor as required in Subsection 78B-5-201(5).

50            (b) The lien runs for eight years from the date the judgment was entered in the district  
51 court under Section 78B-5-202 unless the judgment is earlier satisfied.

52            (c) State agencies are exempt from the recording requirement of Subsection (5)(a).