

JUDICIARY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Craig Hall

LONG TITLE

General Description:

This bill amends the number of members of the Judicial Council.

Highlighted Provisions:

This bill:

- ▶ increases the number of members of the Judicial Council by:
 - one member elected by the judges of the district courts; and
 - one member elected by the judges of the juvenile courts.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-2-104, as last amended by Laws of Utah 2018, Chapter 25

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

Section 1. Section **78A-2-104** is amended to read:

78A-2-104. Judicial Council -- Creation -- Members -- Terms and election --

Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.

(1) The Judicial Council, established by Article VIII, Section 12, Utah Constitution,



28 shall be composed of:

- 29 (a) the chief justice of the Supreme Court;
- 30 (b) one member elected by the justices of the Supreme Court;
- 31 (c) one member elected by the judges of the Court of Appeals;
- 32 (d) [~~five~~] six members elected by the judges of the district courts;
- 33 (e) [~~two~~] three members elected by the judges of the juvenile courts;
- 34 (f) three members elected by the justice court judges; and
- 35 (g) a member or ex officio member of the Board of Commissioners of the Utah State
- 36 Bar who is an active member of the Bar in good standing at the time of election by the Board of
- 37 Commissioners.

38 (2) The Judicial Council shall have a seal.

39 (3) (a) The chief justice of the Supreme Court shall act as presiding officer of the

40 council and chief administrative officer for the courts. The chief justice shall vote only in the

41 case of a tie.

42 (b) All members of the council shall serve for three-year terms.

43 (i) If a council member should die, resign, retire, or otherwise fail to complete a term

44 of office, the appropriate constituent group shall elect a member to complete the term of office.

45 (ii) In courts having more than one member, the members shall be elected to staggered

46 terms.

47 (iii) The person elected by the Board of Commissioners may complete a three-year

48 term of office on the Judicial Council even though the person ceases to be a member or ex

49 officio member of the Board of Commissioners. The person shall be an active member of the

50 Bar in good standing for the entire term of the Judicial Council.

51 (c) Elections shall be held under rules made by the Judicial Council.

52 (4) The council is responsible for the development of uniform administrative policy for

53 the courts throughout the state. The presiding officer of the Judicial Council is responsible for

54 the implementation of the policies developed by the council and for the general management of

55 the courts, with the aid of the state court administrator. The council has authority and

56 responsibility to:

- 57 (a) establish and assure compliance with policies for the operation of the courts,
- 58 including uniform rules and forms; and

59 (b) publish and submit to the governor, the chief justice of the Supreme Court, and the
60 Legislature an annual report of the operations of the courts, which shall include financial and
61 statistical data and may include suggestions and recommendations for legislation.

62 (5) The council shall establish standards for the operation of the courts of the state
63 including, but not limited to, facilities, court security, support services, and staff levels for
64 judicial and support personnel.

65 (6) The council shall by rule establish the time and manner for destroying court
66 records, including computer records, and shall establish retention periods for these records.

67 (7) (a) Consistent with the requirements of judicial office and security policies, the
68 council shall establish procedures to govern the assignment of state vehicles to public officers
69 of the judicial branch.

70 (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and
71 may be assigned for unlimited use, within the state only.

72 (8) (a) The council shall advise judicial officers and employees concerning ethical
73 issues and shall establish procedures for issuing informal and formal advisory opinions on
74 these issues.

75 (b) Compliance with an informal opinion is evidence of good faith compliance with the
76 Code of Judicial Conduct.

77 (c) A formal opinion constitutes a binding interpretation of the Code of Judicial
78 Conduct.

79 (9) (a) The council shall establish written procedures authorizing the presiding officer
80 of the council to appoint judges of courts of record by special or general assignment to serve
81 temporarily in another level of court in a specific court or generally within that level. The
82 appointment shall be for a specific period and shall be reported to the council.

83 (b) These procedures shall be developed in accordance with Subsection 78A-2-107(10)
84 regarding temporary appointment of judges.

85 (10) The Judicial Council may by rule designate municipalities in addition to those
86 designated by statute as a location of a trial court of record. There shall be at least one court
87 clerk's office open during regular court hours in each county. Any trial court of record may
88 hold court in any municipality designated as a location of a court of record.

89 (11) The Judicial Council shall by rule determine whether the administration of a court

90 shall be the obligation of the Administrative Office of the Courts or whether the Administrative
91 Office of the Courts should contract with local government for court support services.

92 (12) The Judicial Council may by rule direct that a district court location be
93 administered from another court location within the county.

94 (13) (a) The Judicial Council shall:

95 (i) establish the Office of Guardian Ad Litem, in accordance with Title 78A, Chapter 6,
96 Part 9, Guardian Ad Litem; and

97 (ii) establish and supervise a Guardian Ad Litem Oversight Committee.

98 (b) The Guardian Ad Litem Oversight Committee described in Subsection (13)(a)(ii)
99 shall oversee the Office of Guardian Ad Litem, established under Subsection (13)(a)(i), and
100 assure that the Office of Guardian Ad Litem complies with state and federal law, regulation,
101 policy, and court rules.

102 (14) The Judicial Council shall establish and maintain, in cooperation with the Office
103 of Recovery Services within the Department of Human Services, the part of the state case
104 registry that contains records of each support order established or modified in the state on or
105 after October 1, 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec.
106 654a.