

Representative Kay J. Christofferson proposes the following substitute bill:

PUBLIC PROSECUTOR MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions related to prosecuting an offense in a justice court.

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to when a prosecutor may prosecute an offense in a justice court; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-105, as last amended by Laws of Utah 2020, Chapter 317

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

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

78A-7-105. Territorial jurisdiction of a county justice court.



26 (1) (a) The territorial jurisdiction of a county justice [courts] court extends to the limits
27 of the precinct for which the justice court is created and includes all [~~cities or towns~~]
28 municipalities within the precinct, other than [~~cities~~] a municipality where a municipal justice
29 court exists.

30 (b) [~~A~~] Subject to Subsection (1)(c), a county or district attorney may file a class B or
31 C misdemeanor offense in a county justice court, regardless of where the act occurred, if:

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

33 [~~(ii) statute provides that an attempt to commit the offense described in Subsection~~

34 ~~(1)(b)(i) is a class B or class C misdemeanor, and]~~

35 (ii) the county or district attorney files the offense described in Subsection (1)(b)(i)
36 pursuant to Subsection [77-2-2.3\(1\)\(a\)](#); and

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

38 (c) A prosecutor may not file a class B or C misdemeanor offense in a county justice
39 court if the facts support the filing of the charged offense as a felony under Section [76-3-103](#).

40 [~~e~~] (d) Notwithstanding Subsection (1)(a), the territorial jurisdiction of a county
41 justice court extends to [~~the place~~] any municipality within the precinct where the act, filed as a
42 class B or C misdemeanor under Subsection (1)(b), occurred.

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

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

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

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

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

54 (ii) contains the information identifying the judgment debtor in the judgment or
55 abstract of judgment as required in Subsection [78B-5-201\(4\)\(b\)](#) or as a separate information
56 statement of the judgment creditor as required in Subsection [78B-5-201\(5\)](#).

- 57 (b) The lien runs for eight years from the date the judgment was entered in the district
58 court under Section [78B-5-202](#) unless the judgment is earlier satisfied.
- 59 (c) State agencies are exempt from the recording requirement of Subsection (5)(a).