

1 **JUDICIAL RETENTION FOR JUSTICE COURT JUDGES**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: V. Lowry Snow**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill expands to all counties existing authority to initiate a reduction in force in a
10 justice court in certain circumstances.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ expands to all counties existing authority to initiate a reduction in force in a justice
14 court in certain circumstances.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **78A-7-203**, as last amended by Laws of Utah 2016, Chapter 146

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

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

25 **78A-7-203. Term of office for justice court judge -- Retention -- Reduction in**
26 **force.**

27 (1) The term of a justice court judge is six years beginning the first Monday in January



28 following the date of election.

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

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

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

37 (3) Before each retention election, each justice court judge shall be evaluated in
38 accordance with the performance evaluation program established in Title 78A, Chapter 12,
39 Judicial Performance Evaluation Commission Act.

40 (4) Notwithstanding Subsection (3), each justice court judge who is subject to a
41 retention election in 2012, 2014, and 2016, and who is not a full-time justice court judge on
42 July 1, 2012, shall be evaluated by the Judicial Performance Evaluation Commission according
43 to the following performance standards:

44 (a) the justice court judge shall have at least 30 annual hours of continuing legal
45 education for each year of the justice court judge's current term;

46 (b) the justice court judge may not have more than one public reprimand issued by the
47 Judicial Conduct Commission or the Supreme Court during the justice court judge's current
48 term; and

49 (c) the justice court judge may not have had any cases under advisement for more than
50 two months.

51 (5) Political subdivisions [~~in counties of the first and second class~~] that have more than
52 one justice court judge and the weighted caseload per judge is lower than 0.60 as determined
53 by the Administrative Office of the Courts may, at the political subdivision's discretion and at
54 the end of a judge's term of office, initiate a reduction in force and reduce, lay off, terminate, or
55 eliminate a judge's position [~~pursuant to~~] in accordance with the political subdivision's
56 employment policies.

57 (6) Political subdivisions in counties of the first and second class may only add new
58 justice court judge positions if the Judicial Council, after considering the caseload of the court,

59 approves creation of the position.