

**JUSTICE COURTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: D. Chris Buttars

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**LONG TITLE**

**General Description:**

This bill establishes that justice courts may not be created or certified by the Judicial Council unless the justice court operates a recording device in each court room.

**Highlighted Provisions:**

This bill:

▸ requires that when a justice court is created or certified by the Judicial Council, the justice court operate a digital recording device; and

▸ requires that the recordings of justice court proceedings be maintained for a minimum of three years.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-7-103**, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78A-7-103** is amended to read:

**78A-7-103. Requirements by Judicial Council for creating and certifying justice**



28 **courts.**

29 (1) The Judicial Council has the responsibility for promulgating and publishing  
30 minimum requirements both for the creation of new courts and the certification of existing  
31 courts. The council shall also review requests for waiver of the minimum requirements and  
32 may authorize the creation of a court by waiving compliance with minimum requirements or by  
33 allowing for an extension of time to meet the minimum requirements.

34 (2) Existing justice courts shall be recertified at the end of each four-year term if they  
35 continue to meet the minimum requirements for the establishment of a new court. Any existing  
36 court which does not meet the minimum requirements may request a review from the council,  
37 which may authorize the recertification of the court by waiving compliance with minimum  
38 requirements or by allowing for an extension of time to meet those requirements.

39 (3) Notwithstanding Subsections (1) and (2), the Judicial Council may only create or  
40 certify a justice court that ~~H~~→ , on or before July 1, 2012, ←~~H~~ digitally records its proceedings  
40a and maintains audio recordings for a  
41 minimum of ~~H~~→ [three years] one year ←~~H~~ .

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**Legislative Review Note**  
as of 2-24-11 11:39 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 494

SHORT TITLE: **Justice Courts**

SPONSOR: **Herrod, C.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enacting this bill will cost between \$3,000 and \$10,000 in one-time funds per courtroom for equipment. Ongoing costs will depend on software agreements, maintenance, storage, and staffing.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.