1   # JUDICIAL RETENTION FOR JUSTICE COURT JUDGES

2   2020 GENERAL SESSION

3   STATE OF UTAH

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

5   Senate Sponsor: Evan J. Vickers

6

7   **LONG TITLE**

8   **General Description:**

9   This bill modifies provisions related to justice court judges.

10   **Highlighted Provisions:**

11   This bill:

12   ‣   expands to all cities and counties authority to initiate a reduction in workforce in a

13   justice court in certain circumstances; and

14   ‣   expands to all cities and counties a requirement that a new justice court judge

15   position requires approval from the Judicial Council.

16   **Money Appropriated in this Bill:**

17   None

18   **Other Special Clauses:**

19   None

20   **Utah Code Sections Affected:**

21   AMENDS:

22   78A-7-203, as last amended by Laws of Utah 2019, Chapter 429

23

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

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

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

27   **force -- Addition of a justice court judge position.**

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

29   following the date of election.

30   (2) Upon the expiration of a justice court judge's term of office, the judge shall be

31   subject to an unopposed retention election in accordance with the procedures set forth in

32   Section 20A-12-201:

33   (a) in the county or counties in which the court to which the judge is appointed is

34   located if the judge is a county justice court judge or a municipal justice court judge in a town

35   or city of the fourth or fifth class; or

36   (b) in the municipality in which the court to which the judge is appointed is located if

37   the judge is a municipal justice court judge and Subsection (2)(a) does not apply.

38   (3) Before each retention election, each justice court judge shall be evaluated in

39   accordance with the performance evaluation program established in Chapter 12, Judicial

40   Performance Evaluation Commission Act.

41   (4) A [political subdivision in a county of the first or second class] municipality or

42   county that has more than one justice court judge and the weighted caseload per judge is lower

43   than 0.60 as determined by the Administrative Office of the Courts may, at the [political

44   subdivision's] municipality's or county's discretion and at the end of a judge's term of office,

45   initiate a reduction in force and reduce, lay off, terminate, or eliminate a judge's position

46   [pursuant to the political subdivision's] in accordance with the municipality's or county's

47   employment policies.

48   (5) A [political subdivision in a county of the first or second class] municipality or

49   county may only add a new justice court judge position if the Judicial Council, after

50   considering the caseload of the court, approves creation of the position.