Representative **Kraig Powell** proposes the following substitute bill:

1   # CHANGE TO MANDATORY RETIREMENT AGE FOR JUDGES

2   ## 2015 GENERAL SESSION

3   ## STATE OF UTAH

4   ## Chief Sponsor: Kraig Powell

5   Senate Sponsor: _____

6

7   **LONG TITLE**

8   **General Description:**

9   This bill modifies provisions relating to the mandatory retirement age for judges.

10   **Highlighted Provisions:**

11   This bill:

12   ‣   amends the mandatory retirement age for a justice court judge;

13   ‣   amends the mandatory retirement age for a judge earning service credit in the

14   Judges' Contributory Retirement Act or the Judges' Noncontributory Retirement

15   Act; and

16   ‣   makes technical changes.

17   **Money Appropriated in this Bill:**

18   None

19   **Other Special Clauses:**

20   None

21   **Utah Code Sections Affected:**

22   AMENDS:

23   **49-17-701**, as renumbered and amended by Laws of Utah 2002, Chapter 250

24   **49-18-701**, as renumbered and amended by Laws of Utah 2002, Chapter 250

25   **78A-7-201**, as last amended by Laws of Utah 2012, Chapter 205

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

28   Section 1. Section **49-17-701** is amended to read:

29   **49-17-701.   Judges' mandatory retirement age.**

30   [(1) Except as provided in Subsection (2), a] A judge shall retire upon attaining the age

31 of [75] 80 years.

32   [(2) A judge serving on July 1, 1996, who is 75 years of age or older on July 1, 1996,

33 or who attains 75 years of age prior to the judge's next retention election may not be a

34 candidate in that retention election and shall retire on or before December 31 of the year in

35 which the judge would have been subject to a retention election.]

36   Section 2. Section **49-18-701** is amended to read:

37   **49-18-701.   Judges' mandatory retirement age.**

38   [(1) Except as provided in Subsection (2), a] A judge shall retire upon attaining the age

39 of [75] 80 years.

40   [(2) A judge serving on July 1, 1996, who is 75 years of age or older on July 1, 1996,

41 or who attains 75 years of age prior to the judge's next retention election may not be a

42 candidate in that retention election and shall retire on or before December 31 of the year in

43 which the judge would have been subject to a retention election.]

44   Section 3. Section **78A-7-201** is amended to read:

45   **78A-7-201.   Justice court judge eligibility requirements.**

46   (1) A justice court judge shall be:

47   (a) a citizen of the United States;

48   (b) 25 years of age or older;

49   (c) a resident of Utah for at least three years immediately preceding his appointment;

50   (d) a resident of the county in which the court is located or an adjacent county for at

51 least six months immediately preceding appointment; and

52   (e) a qualified voter of the county in which the judge resides.

53   (2) Justice court judges are not required to be admitted to practice law in the state as a

54 qualification to hold office but shall have at the minimum a diploma of graduation from high

55 school or its equivalent.

56   (3) A justice court judge shall be a person who has demonstrated maturity of judgment,

57   integrity, and the ability to understand and apply appropriate law with impartiality.

58   (4) Justice court judges shall retire upon attaining the age of [75] 80 years.