

COURT SYSTEM MODIFICATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates a new circuit court with limited jurisdiction.

Highlighted Provisions:

This bill:

- ▶ creates circuit courts within each judicial district;
- ▶ provides jurisdiction over all misdemeanors and domestic issues, including divorce, child custody and parent-time, adoption, paternity, and child support;
- ▶ removes jurisdiction of misdemeanors from justice courts;
- ▶ provides for appointment of circuit court judges in the same manner as district court judges;
- ▶ requires the appointment of a circuit court administrator by the state court administrator;
- ▶ provides for the distribution of fines, fees, and surcharges;
- ▶ enumerates the number of judges in each circuit; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

- 29 **78A-1-101**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 30 **78A-1-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 31 **78A-2-108**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 32 **78A-5-102**, as last amended by Laws of Utah 2010, Chapter 34
- 33 **78A-5-111**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 34 **78A-7-106**, as last amended by Laws of Utah 2012, Chapter 205
- 35 **78A-10-301**, as enacted by Laws of Utah 2008, Chapter 3
- 36 **78A-11-102**, as renumbered and amended by Laws of Utah 2008, Chapter 3

37 ENACTS:

- 38 **78A-1-103.5**, Utah Code Annotated 1953
- 39 **78A-5a-101**, Utah Code Annotated 1953
- 40 **78A-5a-102**, Utah Code Annotated 1953
- 41 **78A-5a-103**, Utah Code Annotated 1953
- 42 **78A-5a-104**, Utah Code Annotated 1953
- 43 **78A-5a-105**, Utah Code Annotated 1953
- 44 **78A-5a-106**, Utah Code Annotated 1953
- 45 **78A-5a-107**, Utah Code Annotated 1953
- 46 **78A-5a-108**, Utah Code Annotated 1953
- 47 **78A-5a-109**, Utah Code Annotated 1953
- 48 **78A-5a-110**, Utah Code Annotated 1953
- 49 **78A-5a-111**, Utah Code Annotated 1953



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

52 Section 1. Section **78A-1-101** is amended to read:

53 **78A-1-101. Courts of justice enumerated -- Courts of record enumerated.**

- 54 (1) The following are the courts of justice of this state:
 - 55 (a) the Supreme Court;
 - 56 (b) the Court of Appeals;
 - 57 (c) the district courts;
 - 58 (d) the circuit courts;

59 ~~[(d)]~~ (e) the juvenile courts; and

60 ~~[(e)]~~ (f) the justice courts.

61 (2) All courts are courts of record, except the justice courts, which are courts not of
62 record.

63 Section 2. Section **78A-1-102** is amended to read:

64 **78A-1-102. Trial courts of record -- Divisions.**

65 The district, circuit, and juvenile courts shall be divided into eight geographical
66 divisions:

- 67 (1) First District - Box Elder, Cache, and Rich Counties;
- 68 (2) Second District - Weber, Davis, and Morgan Counties;
- 69 (3) Third District - Salt Lake, Summit, and Tooele Counties;
- 70 (4) Fourth District - Utah, Wasatch, Juab, and Millard Counties;
- 71 (5) Fifth District - Beaver, Iron, and Washington Counties;
- 72 (6) Sixth District - Garfield, Kane, Piute, Sanpete, Sevier, and Wayne Counties;
- 73 (7) Seventh District - Carbon, Emery, Grand, and San Juan Counties; and
- 74 (8) Eighth District - Daggett, Duchesne, and Uintah Counties.

75 Section 3. Section **78A-1-103.5** is enacted to read:

76 **78A-1-103.5. Number of circuit judges.**

77 The number of circuit court judges shall be:

- 78 (1) two circuit judges in the First District;
- 79 (2) seven circuit judges in the Second District;
- 80 (3) 14 circuit judges in the Third District;
- 81 (4) six circuit judges in the Fourth District;
- 82 (5) two circuit judges in the Fifth District;
- 83 (6) one circuit judge in the Sixth District;
- 84 (7) two circuit judges in the Seventh District; and
- 85 (8) one circuit judge in the Eighth District.

86 Section 4. Section **78A-2-108** is amended to read:

87 **78A-2-108. Assistants for administrator of the courts -- Appointment of trial**
88 **court executives.**

- 89 (1) The administrator of the courts, with the approval of the presiding officer of the

90 council, is responsible for the establishment of positions and salaries of assistants as necessary
91 to enable him to perform the powers and duties vested in him by this chapter, including the
92 positions of appellate court administrator, district court administrator, circuit court
93 administrator, juvenile court administrator, and justices' court administrator, whose
94 appointments shall be made by the administrator of the courts with the concurrence of the
95 respective boards as established by the council.

96 (2) The district [~~court administrator~~] and circuit court administrators, with the
97 concurrence of the presiding judge of a district or circuit court respectively or the district or
98 circuit court judge in single judge districts, may appoint in each district a district and circuit
99 trial court executive, respectively. The trial court executive may appoint, subject to budget
100 limitations, necessary support personnel including clerks, research clerks, secretaries, and other
101 persons required to carry out the work of the court. The trial court executive shall supervise
102 the work of all nonjudicial court staff and serve as administrative officer of the district and
103 circuit, respectively.

104 (3) Administrators and assistants appointed under this section shall be known
105 collectively as the Administrative Office of the Courts.

106 Section 5. Section **78A-5-102** is amended to read:

107 **78A-5-102. Jurisdiction -- Appeals.**

108 (1) The district court has original jurisdiction in all matters civil and criminal, not
109 excepted in the Utah Constitution and not prohibited by law.

110 (2) The district court judges may issue all extraordinary writs and other writs necessary
111 to carry into effect their orders, judgments, and decrees.

112 (3) The district court has jurisdiction over matters of lawyer discipline consistent with
113 the rules of the Supreme Court.

114 (4) The district court has jurisdiction over all matters properly filed in the circuit court
115 as it was constituted prior to July 1, 1996.

116 (5) The district court has appellate jurisdiction over judgments and orders of the justice
117 court as outlined in Section **78A-7-118** and small claims appeals filed pursuant to Section
118 **78A-8-106**.

119 (6) Appeals from the final orders, judgments, and decrees of the district court are under
120 Sections **78A-3-102** and **78A-4-103**.

121 (7) The district court has jurisdiction to review:

122 (a) agency adjudicative proceedings as set forth in Title 63G, Chapter 4,
123 Administrative Procedures Act, and shall comply with the requirements of that chapter, in its
124 review of agency adjudicative proceedings; and

125 (b) municipal administrative proceedings in accordance with Section 10-3-703.7.

126 (8) Notwithstanding Subsection (1), the district court has subject matter jurisdiction in
127 class B misdemeanors, class C misdemeanors, infractions, and violations of ordinances only if:

128 (a) [there is no] with regard to misdemeanors, there is no circuit court with territorial
129 jurisdiction or, with regard to infractions and violations of ordinances, there is no justice court
130 with territorial jurisdiction;

131 (b) the [offense] ordinance violations occurred within the boundaries of the
132 municipality in which the district courthouse is located and that municipality has not formed, or
133 has not formed and then dissolved, a justice court; or

134 (c) they are included in an indictment or information covering a single criminal episode
135 alleging the commission of a felony [or a class A misdemeanor].

136 (9) If the district court has subject matter jurisdiction pursuant to Subsection (5) or (8),
137 it also has jurisdiction over offenses listed in Section 78A-7-106 even if those offenses are
138 committed by a person 16 years of age or older.

139 (10) The district court has jurisdiction of actions under Title 78B, Chapter 7, Part 2,
140 Child Protective Orders, if the juvenile court transfers the case to the district court.

141 Section 6. Section 78A-5-111 is amended to read:

142 **78A-5-111. Transfer of court operating responsibilities -- Facilities -- Staff --**
143 **Budget.**

144 (1) A county's determination to transfer responsibility for operation of the district court
145 to the state is irrevocable.

146 (2) (a) Court space suitable for the conduct of judicial business as specified by the
147 Judicial Council shall be provided by the state from appropriations made by the Legislature for
148 these purposes.

149 (b) The state may, in order to carry out its obligation to provide these facilities, lease
150 space from a county, or reimburse a county for the number of square feet used by the district.
151 Any lease and reimbursement shall be determined in accordance with the standards of the State

152 Building Board applicable to state agencies generally. A county or municipality terminating a
153 lease with the court shall provide written notice to the Judicial Council at least one year prior to
154 the effective date of the termination.

155 (c) District courts shall be located in municipalities that are sites for the district court
156 or circuit court, as that court was constituted as of January 1, 1994. Removal of the district
157 court from the municipality shall require prior legislative approval by joint resolution.

158 (3) The state shall provide legal reference materials for all district judges' chambers
159 and courtrooms, as required by Judicial Council rule. Maintenance of county law libraries shall
160 be in consultation with the court executive of the district court.

161 (4) (a) At the request of the Judicial Council, the county or municipality shall provide
162 staff for the district court in county seats or municipalities under contract with the
163 administrative office of the courts.

164 (b) Payment for necessary expenses shall be by a contract entered into annually
165 between the state and the county or municipality, which shall specifically state the agreed costs
166 of personnel, supplies, and services, as well as the method and terms of payment.

167 (c) Workload measures prepared by the state court administrator and projected costs
168 for the next fiscal year shall be considered in the negotiation of contracts.

169 (d) Each May 1 preceding the general session of the Legislature, the county or
170 municipality shall submit a budget request to the Judicial Council, the governor, and the
171 legislative fiscal analyst for services to be rendered as part of the contract under Subsection
172 (4)(b) for the fiscal year immediately following the legislative session. The Judicial Council
173 shall consider this information in developing its budget request. The legislative fiscal analyst
174 shall provide the Legislature with the county's or municipality's original estimate of expenses.
175 By June 15 preceding the state's fiscal year, the county and the state court administrator shall
176 negotiate a contract to cover expenses in accordance with the appropriation approved by the
177 Legislature. The contracts may not include payments for expenses of service of process,
178 indigent defense costs, or other costs or expenses provided by law as an obligation of the
179 county or municipality.

180 Section 7. Section **78A-5a-101** is enacted to read:

181 **CHAPTER 5a. CIRCUIT COURT ACT OF 2013**

182 **78A-5a-101. Title.**

183 This chapter is known as the "Circuit Court Act of 2013."

184 Section 8. Section **78A-5a-102** is enacted to read:

185 **78A-5a-102. Purpose of chapter.**

186 The purpose of this chapter is to create a statewide court of record of limited
187 jurisdiction organized and administered in the same manner as district courts of the state.

188 Section 9. Section **78A-5a-103** is enacted to read:

189 **78A-5a-103. Circuit court jurisdiction.**

190 Circuit courts have original jurisdiction over:

- 191 (1) all misdemeanors and any felonies referred to it by the district court; and
192 (2) matters of divorce, child custody and parent-time, child support, paternity, and
193 adoption.

194 Section 10. Section **78A-5a-104** is enacted to read:

195 **78A-5a-104. Appeals to Court of Appeals -- Prosecuting attorney to represent**
196 **state -- City attorney to represent municipality.**

197 (1) Unless specifically directed by another statute, appeals from final civil and criminal
198 judgments of the circuit courts are to the Court of Appeals.

199 (2) The county or district attorney shall represent the interests of the state as public
200 prosecutor in any appeals of criminal matters prosecuted by the county attorney in the circuit
201 court. City attorneys shall represent the interests of the state in any appeals of criminal matters
202 prosecuted by the city attorney and the interests of municipalities in any appeals involving
203 violations of municipal ordinances.

204 Section 11. Section **78A-5a-105** is enacted to read:

205 **78A-5a-105. Records to be maintained -- Number of reporters determined by**
206 **Judicial Council.**

207 (1) A verbatim record of the proceedings before circuit courts shall be maintained by a
208 certified shorthand reporter, suitable electronic recording devices, or other means approved by
209 the Judicial Council.

210 (2) The Judicial Council shall by rule determine the number and location of certified
211 shorthand reporters to be available to serve the circuit courts.

212 Section 12. Section **78A-5a-106** is enacted to read:

213 **78A-5a-106. Appointment and terms of circuit court judges.**

214 (1) Judges of the circuit courts shall be appointed through the same process as district
215 court judges.

216 (2) Initial terms of appointment shall be until the first general election held more than
217 three years after the effective date of the appointment. Thereafter, the term of office of the
218 judges of the circuit court is six years and commences on the first Monday in January, next
219 following the date of election.

220 (3) A judge whose term expires may serve, upon request of the Judicial Council, until a
221 successor is appointed and qualified.

222 Section 13. Section **78A-5a-107** is enacted to read:

223 **78A-5a-107. Duties of the clerk of the circuit court.**

224 The clerk of the circuit court shall:

225 (1) take charge of and safely keep the court seal;

226 (2) take charge of and safely keep or dispose of all books, papers, and records filed or
227 deposited with the clerk, and all other records required by law or the rules of the Judicial
228 Council;

229 (3) issue all notices, processes, and summonses as authorized by law;

230 (4) keep a record of all proceedings, actions, orders, judgments, and decrees of the
231 court;

232 (5) take and certify acknowledgments and administer oaths;

233 (6) supervise the deputy clerks as required to perform the duties of the clerk's office;

234 and

235 (7) perform other duties as required by the presiding judge, the court executive,
236 applicable law, and the rules of the Judicial Council.

237 Section 14. Section **78A-5a-108** is enacted to read:

238 **78A-5a-108. Circuit court costs.**

239 (1) The cost of salaries, travel, and training required for the discharge of the duties of
240 circuit judges, court executives, court commissioners, and secretaries of judges or court
241 executives shall be paid from appropriations made by the Legislature. The Administrative
242 Office of the Courts shall provide recording devices suitable for maintaining the record of court
243 hearings in all circuit court locations.

244 (2) Except as provided in Subsection (1), the Judicial Council may directly provide for

245 the operation of the circuit courts, including personnel salary and benefits, travel, training,
246 facilities, security, equipment, furniture, supplies, and other operating expenses or may contract
247 with a county or municipality for the actual and necessary expenses of the operation. Any
248 necessary contract with a county or municipality shall be made pursuant to Subsection
249 78A-5-111(4).

250 (3) The state may, in order to carry out its obligation to provide facilities for the circuit
251 court, lease space from a county or municipality or reimburse a county or municipality for the
252 amount of space used by the court. Leases and reimbursements shall be determined in
253 accordance with standards applicable to state agencies generally.

254 Section 15. Section **78A-5a-109** is enacted to read:

255 **78A-5a-109. Allocation of court fees and forfeitures.**

256 (1) Except as provided in this section, circuit court fines and forfeitures collected for
257 violation of state statutes shall be paid to the state treasurer.

258 (2) Fines and forfeitures collected by the court for violation of a state statute or county
259 or municipal ordinance constituting a misdemeanor shall be remitted 1/2 to the state treasurer
260 and 1/2 to the treasurer of the state or local governmental entity that prosecutes or that would
261 prosecute the violation.

262 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code
263 of Utah; Title 41, Chapter 22, Off-Highway Vehicles; or Title 73, Chapter 18, State Boating
264 Act, shall be paid to the state treasurer.

265 (a) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
266 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

267 (b) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
268 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Parks and
269 Recreation and 15% to the General Fund.

270 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less
271 fees established by the Judicial Council, shall be paid to the state treasurer for deposit into the
272 B and C road account. Fees established by the Judicial Council shall be deposited into the
273 General Fund. Money deposited into the class B and C road account is supplemental to the
274 money appropriated under Section 72-2-107 but shall be expended in the same manner as other
275 class B and C road funds.

276 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
277 under Section 41-6a-1713 or Subsection 72-7-409(8)(b) shall be remitted:

278 (i) 60% to the state treasurer to be deposited into the Transportation Fund; and

279 (ii) 40% in accordance with Subsection (2).

280 (b) Fines and forfeitures collected by the court for a second or subsequent violation
281 under Subsection 72-7-409(8)(c) shall be remitted:

282 (i) 50% to the state treasurer to be deposited into the Transportation Fund; and

283 (ii) 50% in accordance with Subsection (2).

284 (6) Fines and forfeitures collected for any violations not specified in this chapter or
285 otherwise provided for by law shall be paid to the state treasurer.

286 (7) Fees collected in connection with civil actions filed in the district court shall be
287 paid to the state treasurer.

288 (8) The court shall remit money collected in accordance with Title 51, Chapter 7, State
289 Money Management Act.

290 Section 16. Section **78A-5a-110** is enacted to read:

291 **78A-5a-110. Trial court executives -- Qualifications -- Appointment -- Duties.**

292 (1) In circuit courts with sufficient workload to require it, a trial court executive may
293 be appointed for the circuit court by the circuit court administrator with the concurrence of the
294 presiding judge of the circuit court, to be in charge of all administrative services for the circuit
295 court at the trial level. The trial court executive shall be selected on the basis of professional
296 qualifications and serve full time in this position.

297 (2) The court executive is responsible for:

298 (a) appointment of the clerk of the court in each primary location and approval of the
299 selection of clerical employees made by the clerk of the court;

300 (b) management of the court's calendar;

301 (c) direct supervision and management of all staff services, including the clerk of the
302 court, courtroom clerks and bailiffs, law clerks, and secretaries;

303 (d) administration of court-affiliated caseworkers, professionals, such as doctors and
304 psychologists retained or utilized by the court to perform diagnostic or consultative functions,
305 and all other comparable officials;

306 (e) personnel, financial, and records administration, subject to the standards of the

307 Judicial Council;

308 (f) secretarial services for meetings of the judges;

309 (g) liaison with local government, bar associations, news media, and the general
310 public;

311 (h) management of physical facilities and equipment and the purchase of outside
312 services; and

313 (i) reporting to and consulting with the office of the state court administrator
314 concerning the operations of the court.

315 (3) The salary, employee benefits, and any secretarial support services for trial court
316 executives appointed after the effective date of this chapter shall be paid from the General Fund
317 or other funds available to the Judicial Council.

318 Section 17. Section **78A-5a-111** is enacted to read:

319 **78A-5a-111. Court space allocation.**

320 (1) (a) Court space suitable for the conduct of judicial business as specified by the
321 Judicial Council shall be provided by the state from appropriations made by the Legislature for
322 these purposes.

323 (b) The state may, in order to carry out its obligation to provide these facilities, lease
324 space from a county or reimburse a county for the number of square feet used by the court.
325 Any lease and reimbursement shall be determined in accordance with the standards of the State
326 Building Board applicable to state agencies. A county or municipality terminating a lease with
327 the court shall provide written notice to the Judicial Council at least one year prior to the
328 effective date of the termination.

329 (2) The state shall provide legal reference materials for all circuit judges' chambers and
330 courtrooms, as required by Judicial Council rule. Maintenance of law libraries shall be in
331 consultation with the court executive of the district court.

332 (3) (a) At the request of the Judicial Council, the county or municipality shall provide
333 staff for the circuit court in county seats or municipalities under contract with the
334 Administrative Office of the Courts.

335 (b) Payment for necessary expenses shall be by a contract entered into annually
336 between the state and the county or municipality, which shall specifically state the agreed costs
337 of personnel, supplies, and services, as well as the method and terms of payment.

338 (c) Workload measures prepared by the state court administrator and projected costs
339 for the next fiscal year shall be considered in the negotiation of contracts.

340 (d) Each May 1 preceding the general session of the Legislature, the county or
341 municipality shall submit a budget request to the Judicial Council, the governor, and the
342 legislative fiscal analyst for services to be rendered as part of the contract under Subsection
343 (3)(b) for the fiscal year immediately following the legislative session. The Judicial Council
344 shall consider this information in developing its budget request. The legislative fiscal analyst
345 shall provide the Legislature with the county's or municipality's original estimate of expenses.
346 By June 15 preceding the state's fiscal year, the county and the state court administrator shall
347 negotiate a contract to cover expenses in accordance with the appropriation approved by the
348 Legislature. The contracts may not include payments for expenses of service of process,
349 indigent defense costs, or other costs or expenses provided by law as an obligation of the
350 county or municipality.

351 Section 18. Section **78A-7-106** is amended to read:

352 **78A-7-106. Jurisdiction.**

353 (1) Justice courts have jurisdiction over [~~class B and C misdemeanors, violation~~]
354 violations of ordinances[;] and infractions committed within their territorial jurisdiction by a
355 person 18 years of age or older.

356 (2) Except those offenses over which the juvenile court has exclusive jurisdiction,
357 justice courts have jurisdiction over the following [~~class B and C misdemeanors, violation~~]
358 violations of ordinances[;] and infractions committed within their territorial jurisdiction by a
359 person 16 years of age or older:

360 (a) Title 23, Wildlife Resources Code of Utah;

361 (b) Title 41, Chapter 1a, Motor Vehicle Act;

362 (c) Title 41, Chapter 6a, Traffic Code;

363 (d) Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and
364 Operators Act;

365 (e) Title 41, Chapter 22, Off-Highway Vehicles;

366 (f) Title 73, Chapter 18, State Boating Act;

367 (g) Title 73, Chapter 18a, Boating - Litter and Pollution Control;

368 (h) Title 73, Chapter 18b, Water Safety; and

369 (i) Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators
370 Act.

371 [~~(3)~~ Justice Courts have jurisdiction over class C misdemeanor violations of Title 53,
372 Chapter 3, Part 2, Driver Licensing Act.]

373 [~~(4)~~] (3) As used in this section, "the court's jurisdiction" means the territorial
374 jurisdiction of a justice court.

375 [~~(5)~~] (4) An offense is committed within the territorial jurisdiction of a justice court if:

376 (a) conduct constituting an element of the offense or a result constituting an element of
377 the offense occurs within the court's jurisdiction, regardless of whether the conduct or result is
378 itself unlawful;

379 (b) either a person committing an offense or a victim of an offense is located within the
380 court's jurisdiction at the time the offense is committed;

381 (c) either a cause of injury occurs within the court's jurisdiction or the injury occurs
382 within the court's jurisdiction;

383 (d) a person commits any act constituting an element of an inchoate offense within the
384 court's jurisdiction, including an agreement in a conspiracy;

385 (e) a person solicits, aids, or abets, or attempts to solicit, aid, or abet another person in
386 the planning or commission of an offense within the court's jurisdiction;

387 (f) the investigation of the offense does not readily indicate in which court's
388 jurisdiction the offense occurred, and:

389 (i) the offense is committed upon or in any railroad car, vehicle, watercraft, or aircraft
390 passing within the court's jurisdiction;

391 (ii) (A) the offense is committed on or in any body of water bordering on or within this
392 state if the territorial limits of the justice court are adjacent to the body of water; and

393 (B) as used in Subsection [~~(5)~~] (4)(f)(ii)(A), "body of water" includes any stream, river,
394 lake, or reservoir, whether natural or man-made;

395 (iii) a person who commits theft exercises control over the affected property within the
396 court's jurisdiction; or

397 (iv) the offense is committed on or near the boundary of the court's jurisdiction;

398 (g) the offense consists of an unlawful communication that was initiated or received
399 within the court's jurisdiction; or

400 (h) jurisdiction is otherwise specifically provided by law.

401 [~~(6)~~] (5) A justice court judge may transfer a criminal matter in which the defendant is
402 a child to the juvenile court for further proceedings if the justice court judge determines and the
403 juvenile court concurs that the best interests of the minor would be served by the continuing
404 jurisdiction of the juvenile court.

405 [~~(7)~~] (6) Justice courts have jurisdiction of small claims cases under Title 78A, Chapter
406 8, Small Claims Courts, if a defendant resides in or the debt arose within the territorial
407 jurisdiction of the justice court.

408 Section 19. Section **78A-10-301** is amended to read:

409 **78A-10-301. Creation.**

410 (1) There is created a Trial Court Nominating Commission for each geographical
411 division of the trial courts of record.

412 (2) The Trial Court Nominating Commission shall nominate judges of the district
413 court, the circuit court, and the juvenile court within its geographical division.

414 Section 20. Section **78A-11-102** is amended to read:

415 **78A-11-102. Definitions.**

416 As used in this chapter:

417 (1) "Commission" means the Judicial Conduct Commission established by Utah
418 Constitution, Article VIII, Section 13, and this chapter.

419 (2) (a) "Complaint" includes:

420 (i) a written complaint against a judge; or

421 (ii) an allegation based on reliable information received in any form, from any source,
422 that alleges, or from which a reasonable inference can be drawn that a judge is in violation of
423 any provision of Utah Constitution, Article VIII, Section 13.

424 (b) "Complaint" does not include an allegation initiated by the commission or its staff.

425 (3) "Investigation" means an inquiry into an allegation of misconduct, including a
426 search for and examination of evidence concerning the allegations, which begins upon the
427 receipt of a complaint and is completed when either the complaint is dismissed by a majority
428 vote of the commission or when an order is sent to the Supreme Court for its review in
429 accordance with Utah Constitution, Article VIII, Section 13.

430 (4) "Judge" includes the chief justice of the Supreme Court, a justice of the Supreme

431 Court, an appellate court judge, a district court judge, a circuit court judge, an active senior
432 judge, a juvenile court judge, a justice court judge, an active senior justice court judge, and a
433 judge pro tempore of any court of this state.

Legislative Review Note
as of 2-4-14 3:39 PM

Office of Legislative Research and General Counsel