

**Representative V. Lowry Snow** proposes the following substitute bill:

**JUDICIAL RETENTION FOR JUSTICE COURT JUDGES**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: V. Lowry Snow**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to justice court judges.

**Highlighted Provisions:**

This bill:

▶ expands to all cities and counties authority to initiate a reduction in workforce in a justice court in certain circumstances; and

▶ expands to all cities and counties a requirement that a new justice court judge position requires approval from the Judicial Council.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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.

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.