

JUSTICE COURT JURISDICTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends a provision relating to the territorial jurisdiction of a justice court.

Highlighted Provisions:

This bill:

- ▶ extends the jurisdiction of a county justice court for limited circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-105, as last amended by Laws of Utah 2014, Chapter 151

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

Section 1. Section **78A-7-105** is amended to read:

78A-7-105. Territorial jurisdiction -- Voting.

(1) (a) The territorial jurisdiction of county justice courts extends to the limits of the precinct for which the justice court is created and includes all cities or towns within the precinct, ~~except~~ other than cities where a municipal justice court exists.

(b) A county or district attorney may file a class B or C misdemeanor offense in a county justice court, regardless of where the act occurred, if:

29 (i) the same offense could have been filed as a class A misdemeanor in district court;

30 (ii) statute provides that an attempt to commit the offense described in Subsection

31 (1)(b)(i) is a class B or class C misdemeanor; and

32 (iii) the case was submitted to the county or district attorney's office for prosecution.

33 (c) Notwithstanding Subsection (1)(a), the territorial jurisdiction of a county justice
34 court extends to the place where the act, filed as a class B or C misdemeanor under Subsection
35 (1)(b), occurred.

36 (2) The territorial jurisdiction of municipal justice courts extends to the corporate
37 limits of the municipality in which the justice court is created.

38 (3) Justice court judges have the same authority regarding matters within their
39 jurisdiction as judges of courts of record.

40 (4) A justice court may issue all extraordinary writs and other writs as necessary to
41 carry into effect its orders, judgments, and decrees.

42 (5) (a) Except as provided in this Subsection (5), a judgment rendered in a justice court
43 does not create a lien upon any real property of the judgment debtor unless the judgment or
44 abstract of the judgment:

45 (i) is recorded in the office of the county recorder of the county in which the real
46 property of the judgment debtor is located; and

47 (ii) contains the information identifying the judgment debtor in the judgment or
48 abstract of judgment as required in Subsection 78B-5-201(4)(b) or as a separate information
49 statement of the judgment creditor as required in Subsection 78B-5-201(5).

50 (b) The lien runs for eight years from the date the judgment was entered in the district
51 court under Section 78B-5-202 unless the judgment is earlier satisfied.

52 (c) State agencies are exempt from the recording requirement of Subsection (5)(a).