

Andrew Stoddard proposes the following substitute bill:

Judicial Retention Changes

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill addresses judicial retention.

Highlighted Provisions:

This bill:

- requires the Judicial Performance Evaluation Commission to conduct a public education campaign; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates \$14,400 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-12-206, as last amended by Laws of Utah 2022, Chapter 11

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

Section 1. Section **78A-12-206** is amended to read:

78A-12-206 . Publication of the judicial performance evaluation -- Response by judge.

(1)(a) The commission shall compile a retention report of the commission's judicial performance evaluation of a judge.

(b) The report of a judicial performance evaluation nearest the judge's next scheduled retention election shall be provided to the judge at least 45 days before the last day on which the judge may file a declaration of the judge's candidacy in the retention election.

(c) A report prepared in accordance with Subsection (1)(b) and information obtained in connection with the evaluation becomes a public record under Title 63G, Chapter 2, Government Records Access and Management Act, on the day following the last day on which the judge who is the subject of the report may file a declaration of the judge's candidacy in the judge's scheduled retention election if the judge declares the judge's candidacy for the retention election.

(d) Information collected and a report that is not public under Subsection (1)(c) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.

(2) Within 15 days of receiving a copy of the commission's report under Subsection (1)(b):

(a) a judge who is the subject of an unfavorable action under Subsection 78A-12-203(4) may:

(i) provide a written response to the commission about the report; and

(ii) request an interview with the commission for the purpose of addressing the report; and

(b) a judge who is the subject of a favorable action under Subsection 78A-12-203(4) may provide a written response to the commission about the commission's report.

(3)(a) After receiving a response from a judge in any form allowed by Subsection (2), the commission may meet and reconsider the commission's action.

(b) If the commission does not change the commission's action, the judge may provide a written statement, not to exceed 100 words, that shall be included in the commission's report.

(4) The retention report of a judicial performance evaluation shall include:

(a) the results of the judicial performance survey, in both raw and summary form;

(b) information concerning the judge's compliance with the certification standards, including stating how many of the certification standards the judge met;

(c) information concerning any public discipline that a judge has received that is not subject to restrictions on disclosure under [~~Title 78A, Chapter 11, Judicial Conduct Commission~~] Chapter 11, Judicial Conduct Commission;

(d) a narrative concerning the judge's performance;

(e) the commission's determination under Subsection 78A-12-203(4);

(f) the number of votes for and against a determination described in Subsection 78A-12-203(4); and

(g) any other information the commission considers necessary to include in the report to

64 explain the certification standards and the determination or lack of a determination
65 made.

66 (5)(a) The commission may not include in the commission's retention report specific
67 information concerning an earlier judicial performance evaluation.

68 (b) The commission may refer to information from an earlier judicial performance
69 evaluation concerning the judge in the commission's report only if necessary to
70 explain performance in the current reporting period and giving primary emphasis to
71 the information gathered during the current reporting period.

72 (6)(a) The retention report of the commission's judicial performance evaluation shall be
73 made publicly available on an Internet website.

74 [(7)] (b) The commission may make the report of the judicial performance evaluation
75 immediately preceding the judge's retention election publicly available through other
76 means within budgetary constraints.

77 (c) The commission shall conduct a public education campaign to inform the public
78 about the role of the commission, the commission's process for evaluating a judge's
79 judicial performance, and how to access a publicly available judicial performance
80 evaluation.

81 [(8)] (7) The commission shall provide a summary of the judicial performance evaluation
82 for each judge to the lieutenant governor for publication in the voter information
83 pamphlet in the manner required by Title 20A, Chapter 7, Issues Submitted to the Voters.

84 [(9)] (8) The commission shall provide the Judicial Council with:

85 (a) the judicial performance survey results for each judge; and

86 (b) a copy of the retention report of each judicial performance evaluation.

87 [(10)] (9) The Judicial Council shall provide information obtained concerning a judge under
88 Subsection [(9)] (8) to the subject judge's presiding judge, if any.

89 Section 2. **FY 2026 Appropriations.**

90 The following sums of money are appropriated for the fiscal year beginning July 1,
91 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
92 fiscal year 2026.

93 Subsection 2(a). **Operating and Capital Budgets**

94 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
95 Legislature appropriates the following sums of money from the funds or accounts indicated for
96 the use and support of the government of the state of Utah.

97 ITEM 1 To Governor's Office - Commission on Criminal and Juvenile Justice

98	From General Fund	14,400
99	Schedule of Programs:	
100	Judicial Performance Evaluation Commission	14,400
101	Section 3. Effective Date.	
102	<u>This bill takes effect on May 7, 2025.</u>	