

Judicial Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill modifies provisions relating to the Supreme Court.

Highlighted Provisions:

This bill:

- modifies provisions governing the membership and internal management of the Supreme Court;
- provides that the governor shall appoint a chief justice of the Supreme Court (chief justice) when a vacancy in the office occurs;
- modifies provisions related to an interim chief justice and appointment procedures;
- requires that a governor's selection for chief justice is subject to the advice and consent of the Senate; and
- makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-3-101, as last amended by Laws of Utah 2022, Chapter 276

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

Section 1. Section **78A-3-101** is amended to read:

78A-3-101 . Number of justices -- Terms -- Appointment by governor with advice and consent of Senate -- Chief justice and associate chief justice -- Selection and functions.

- (1) The Supreme Court consists of five justices.
- (2)(a) A justice of the Supreme Court shall be appointed initially to serve until the first general election held more than three years after the effective date of the appointment.
- (b) After the first term of appointment under Subsection (2)(a), the term of office of a justice of the Supreme Court is 10 years and commences on the first Monday in January following the date of election.
- ~~[(c) A justice whose term expires may serve upon request of the Judicial Council until a successor is appointed and qualified.]~~
- (3)(a) ~~[The justices of the Supreme Court shall elect a chief justice from among the members of the court by a majority vote of all justices.]~~ Upon any vacancy in the office of chief justice, including expiration of a term of the office of chief justice, or upon a chief justice's death, removal, or resignation, the governor shall appoint a chief justice from among the members of the Supreme Court, with the advice and consent of the Senate.
- (b) The term of the office of chief justice is four years.
- (c) The chief justice may serve successive terms, subject to reappointment by the governor with the advice and consent of the Senate as required by this section.
- (d) The chief justice may resign from the office of chief justice without resigning from the Supreme Court.
- (e) The chief justice may be removed from the office of chief justice by a majority vote of all justices of the Supreme Court.
- (f) The chief justice shall receive the sum of \$2,000 per annum as additional compensation for the period served as chief justice.
- (4)(a) ~~If [the justices are unable to elect a chief justice]~~ a chief justice has not been appointed by the governor and confirmed by the Senate within 30 days of a vacancy in that office, the associate chief justice shall act as interim chief justice until a chief justice is ~~[elected]~~ appointed and confirmed under this section.
- (b) If the associate chief justice is unable or unwilling to act as interim chief justice under Subsection (4)(a), the most senior justice shall act as interim chief justice until a chief justice is ~~[elected]~~ appointed and confirmed under this section.
- (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief justice has duties as provided by law.
- (6)(a) There is created the office of associate chief justice.

(b) The term of office of the associate chief justice is two years.

(c) The associate chief justice shall be:

(i) elected by a majority vote of the members of the Supreme Court; and

(ii) allocated duties as the chief justice determines.

(d) If the chief justice is absent or otherwise unable to serve, the associate chief justice shall serve as chief justice.

(e) The chief justice may delegate responsibilities to the associate chief justice as consistent with law.

(f) The associate chief justice shall receive the sum of \$1,000 per annum for the period served as associate chief justice.

Section 2. Effective Date.

This bill takes effect on May 7, 2025.