

Chris H. Wilson proposes the following substitute bill:

Judicial Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor:

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.

- 63 (c) The associate chief justice shall be:
- 64 (i) elected by a majority vote of the members of the Supreme Court; and
- 65 (ii) allocated duties as the chief justice determines.
- 66 (d) If the chief justice is absent or otherwise unable to serve, the associate chief justice
- 67 shall serve as chief justice.
- 68 (e) The chief justice may delegate responsibilities to the associate chief justice as
- 69 consistent with law.
- 70 (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period
- 71 served as associate chief justice.

72 Section 2. **Effective Date.**

73 This bill takes effect on May 7, 2025.