

Representative Keven J. Stratton proposes the following substitute bill:

JUSTICE COURT JURISDICTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

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:

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

(ii) statute provides that an attempt to commit the offense described in Subsection (1)(b)(i) is a class B or class C misdemeanor; and

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

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

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

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

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

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

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

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

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

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