

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).