

Chris H. Wilson proposes the following substitute bill:

Court Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor:

LONG TITLE

General Description:

This bill amends statutory provisions related to judges and justices for Utah Courts.

Highlighted Provisions:

This bill:

- increases the number of Utah Supreme Court justices;
- increases the number of Utah Court of Appeals judges;
- increases the number of Utah district court judges; and
- amends provisions on the recruitment period for a judicial vacancy.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 78A-1-103**, as last amended by Laws of Utah 2024, Chapter 148
- 78A-3-101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 10
- 78A-4-102**, as last amended by Laws of Utah 2022, Chapter 276
- 78A-10a-202**, as enacted by Laws of Utah 2023, Chapter 250

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

Section 1. Section **78A-1-103** is amended to read:

78A-1-103 . Number of district court judges.

The number of district court judges is:

- (1) four district court judges in the First Judicial District;
- (2) 14 district court judges in the Second Judicial District;

- 29 (3) [32] 33 district court judges in the Third Judicial District;
30 (4) [13] 14 district court judges in the Fourth Judicial District;
31 (5) [seven] eight district court judges in the Fifth Judicial District;
32 (6) two district court judges in the Sixth Judicial District;
33 (7) three district court judges in the Seventh Judicial District; and
34 (8) three district court judges in the Eighth Judicial District.

35 Section 2. Section **78A-3-101** is amended to read:

36 **78A-3-101 . Number of justices -- Terms -- Chief justice and associate chief**
37 **justice -- Selection and functions.**

- 38 (1) The Supreme Court consists of [five] seven justices.
- 39 (2)(a) A justice of the Supreme Court is appointed initially to serve until the first general
40 election held more than three years after the effective date of the appointment.
- 41 (b) After the first term of appointment under Subsection (2)(a), the term of office of a
42 justice of the Supreme Court is 10 years and commences on the first Monday in
43 January following the date of election.
- 44 (3)(a) Upon any vacancy in the office of chief justice, including expiration of a term of
45 the office of chief justice, or upon a chief justice's death, removal, or resignation, the
46 governor shall appoint a chief justice from among the members of the Supreme
47 Court, with the advice and consent of the Senate.
- 48 (b) Except as provided in Subsection (3)(c), the term of the office of chief justice is eight
49 years.
- 50 (c)(i) For a chief justice whose term of office began on April 1, 2024, the term of the
51 office of the chief justice is four years.
- 52 (ii) The term of the office of chief justice expires on April 1, 2028, for any chief
53 justice who is elected to serve by the justices of the Supreme Court before October
54 14, 2025.
- 55 (d) On and after October 14, 2025, a member of the Supreme Court may not serve as
56 chief justice for more than one term.
- 57 (e) The chief justice may resign from the office of chief justice without resigning from
58 the Supreme Court.
- 59 (f) The chief justice may be removed from the office of chief justice by a majority vote
60 of all justices of the Supreme Court.
- 61 (g) The chief justice shall receive the sum of \$2,000 per annum as additional
62 compensation for the period served as chief justice.

- 63 (4)(a) If a chief justice has not been appointed by the governor and confirmed by the
 64 Senate within 30 days of a vacancy in that office, the associate chief justice shall act
 65 as interim chief justice until a chief justice is appointed and confirmed under this
 66 section.
- 67 (b) If the associate chief justice is unable or unwilling to act as interim chief justice as
 68 described in Subsection (4)(a), the most senior justice shall act as interim chief
 69 justice until a chief justice is appointed and confirmed under this section.
- 70 (5) In addition to the chief justice's duties as a member of the Supreme Court, the chief
 71 justice has duties as provided by law.
- 72 (6)(a) There is created the office of associate chief justice.
- 73 (b) The associate chief justice is elected by a majority vote of the members of the
 74 Supreme Court.
- 75 (c) The term of office of the associate chief justice is two years.
- 76 (d) The chief justice may:
- 77 (i) determine the allocated duties of the associate chief justice; and
 78 (ii) delegate responsibilities to the associate chief justice as consistent with law.
- 79 (e) If the chief justice is absent or otherwise unable to serve, the associate chief justice
 80 shall perform the duties of the office of the chief justice until the chief justice is no
 81 longer absent or unable to serve.
- 82 (f) The associate chief justice shall receive the sum of \$1,000 per annum for the period
 83 served as associate chief justice.
- 84 Section 3. Section **78A-4-102** is amended to read:
- 85 **78A-4-102 . Number of judges -- Terms -- Presiding judge -- Associate presiding**
 86 **judge -- Filing fees.**
- 87 (1)(a) The Court of Appeals consists of [~~seven~~] nine judges.
- 88 (b) The term of appointment to office as a judge of the Court of Appeals is until the first
 89 general election held more than three years after the effective date of the appointment.
- 90 (c) After the first term of appointment under Subsection (1)(b), the term of office of a
 91 judge of the Court of Appeals is six years and commences on the first Monday in
 92 January, next following the date of election.
- 93 (d) A judge whose term expires may serve, upon request of the Judicial Council, until a
 94 successor is appointed and qualified.
- 95 (2)(a) The Court of Appeals shall sit and render judgment in panels of three judges.
- 96 (b) Assignment to panels shall be by random rotation of all judges of the Court of

- 97 Appeals.
- 98 (c) The Court of Appeals by rule shall provide for the selection of a chair for each panel.
- 99 (d) The Court of Appeals may not sit en banc.
- 100 (3)(a) The judges of the Court of Appeals shall elect a presiding judge from among the
- 101 members of the court by majority vote of all judges.
- 102 (b) The term of office of the presiding judge is two years and until a successor is elected.
- 103 (c) A presiding judge of the Court of Appeals may serve in that office no more than two
- 104 successive terms.
- 105 (d) The Court of Appeals may by rule provide for an acting presiding judge to serve in
- 106 the absence or incapacity of the presiding judge.
- 107 (e) The presiding judge of the Court of Appeals shall receive \$2,000 per annum of
- 108 additional compensation for the period served as presiding judge.
- 109 (4)(a) The presiding judge may be removed from the office of presiding judge by
- 110 majority vote of all judges of the Court of Appeals.
- 111 (b) In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:
- 112 (i) administer the rotation and scheduling of panels;
- 113 (ii) act as liaison with the Supreme Court;
- 114 (iii) call and preside over the meetings of the Court of Appeals; and
- 115 (iv) carry out duties prescribed by the Supreme Court and the Judicial Council.
- 116 (5)(a) The judges of the Court of Appeals shall elect an associate presiding judge from
- 117 among the members of the court by majority vote of all judges.
- 118 (b) The associate presiding judge of the Court of Appeals shall receive \$1,000 per
- 119 annum as additional compensation for the period served as associate presiding judge.
- 120 (6) Filing fees for the Court of Appeals are the same as for the Supreme Court.

121 Section 4. Section **78A-10a-202** is amended to read:

122 **78A-10a-202 . Time periods -- Recruitment period for judicial vacancy --**
 123 **Convening a judicial nominating commission.**

- 124 (1)(a) [~~Unless a hiring freeze is implemented in accordance with Section 78A-2-113, the~~]
 125 Except as otherwise provided in this section, the governor shall ensure that:
- 126 (i) [~~except as provided in Subsection (1)(a)(ii)]~~ if sufficient notice of a judicial
 127 vacancy is given to the governor, the recruitment period to fill a judicial vacancy
 128 begins 235 days before the effective date of the judicial vacancy;
- 129 (ii) if sufficient notice of a judicial vacancy is not given to the governor, the
 130 recruitment period to fill a judicial vacancy begins within 10 days after the day on

- 131 which the governor receives notice;
- 132 (iii) ~~[except as provided in Subsection (1)(b),]~~the recruitment period is a minimum
- 133 of at least 30 days but no more than 90 days; and
- 134 (iv) the chair of the commission having authority over the vacancy convenes a
- 135 meeting no more than 10 days after the close of the recruitment period.
- 136 (b) If fewer than nine applications are received for a judicial vacancy, the governor may
- 137 extend the recruitment period described in Subsection (1)(a)(iii) up to 30 days.
- 138 (c) If the governor receives notice of a judicial vacancy on both the Supreme Court and
- 139 the Court of Appeals within a 10-day period, the governor may delay the recruitment
- 140 period for the judicial vacancy on the Court of Appeals so that the recruitment period
- 141 begins within 10 days after the day on which the appointment for the judicial vacancy
- 142 on the Supreme Court is made.
- 143 (2) If there is a hiring freeze implemented in accordance with Section 78A-2-113, the time
- 144 periods described in Subsection (1) shall begin to run on the day that the hiring freeze
- 145 ends.

146 Section 5. **Effective Date.**

147 This bill takes effect:

- 148 (1) except as provided in Subsection (2), May 6, 2026; or
- 149 (2) if approved by two-thirds of all members elected to each house:
- 150 (a) upon approval by the governor;
- 151 (b) without the governor's signature, the day following the constitutional time limit of
- 152 Utah Constitution, Article VII, Section 8; or
- 153 (c) in the case of a veto, the date of veto override.