

Office of the
Legislative Fiscal Analyst

FY 2005 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

Attorney General

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1.0 Attorney General

The Attorney General is the constitutional legal officer of the state, serves as counsel in all cases in which the state or its officers are a party, and provides legal services for the state. The Attorney General’s mission is to protect people from crime, protect children from abuse and neglect, protect the state as an entity, and protect the state’s natural resources.

	Analyst FY 2005 Base	Analyst FY 2005 Changes	Analyst FY 2005 Total
Financing			
General Fund	17,353,500	40,800	17,394,300
General Fund Restricted	1,142,200		1,142,200
Federal Funds	1,228,300		1,228,300
Dedicated Credits	12,780,900		12,780,900
Trust and Agency Funds	250,000		250,000
Transfers	132,000		132,000
Beginning Balance	700,000		700,000
Total	\$33,586,900	\$40,800	\$33,627,700
Programs			
Attorney General	30,533,200	39,800	30,573,000
Contract Attorneys	300,000		300,000
Children's Justice Centers	2,175,100	1,000	2,176,100
Prosecution Council	500,100		500,100
Domestic Violence	78,500		78,500
Total	\$33,586,900	\$40,800	\$33,627,700
FTE/Other			
Total FTE	388		388
Vehicles	34	0	34

2.0 Issues: Attorney General

2.1 Nonlapsing Funds

For years, the Attorney General, like many other agencies, received blanket approval to carry forward funds from one year to the next. The Analyst understands that the ability to carry unspent funds from year to year allows agencies to upgrade equipment and provide for long term planning. However, the Analyst believes such authorization should be tied to specific projects and approved by the Legislature in accordance with the Budgetary Procedures Act:

UCA 63-38-8.1(3) (a) Each agency that wishes to preserve any part or all of its appropriation balance as nonlapsing shall include a one-time project's list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have an appropriation balance.

The Analyst believes that the Attorney General should present to the Governor and Legislature a specific request for nonlapsing authority. Given that each line item received nonlapsing authority last year, there is no requirement for such a request. For FY 2005, the Analyst recommends that no authority be provided until the 2005 Legislative session when the Attorney General will have a better idea of what balances will be available.

2.2 FY 2004 One-Time Supplemental Adjustments: Lawsuit Settlements/Attorney's Fees

The requests for supplemental funding are driven by settlement of lawsuits whereby the state as the defendant is ordered or agrees to pay the plaintiff's attorney fees. The Attorney General's Office has traditionally paid such settlements from its operations budget and the Legislature reimburses the Attorney General's Office for making these payments.

Following is a breakdown: (1) \$385,000 for the UEA and UPEA lawsuits challenging the constitutionality of the Voluntary Contributions Act. The state agreed to pay UEA \$225,000 and UPEA \$160,000 in full and final settlement of all claims for costs and/or attorneys' fees incurred in the lawsuits or appeals. The Attorney General's Office was directed to pay the settlement fees from its operations budget. (2) \$114,900 pursuant to the Federal District Court's order, the state is obligated to pay plaintiff's attorney fees in the David C et al v. Michael Leavitt ongoing class action litigation concerning the state's child welfare system. This amount covers the time period of January 1, 2003 through August 31, 2003. (3) \$23,000 to pay plaintiff's counsel in the Brian Benard lawsuit challenging a statute dealing with gestational surrogacy. The judge found key portions of the statute to be unconstitutional. (4) Payment for the University of Utah Miners' Settlement of \$300,000 has been approved by the Legislative Management Committee. (5) \$83,000 for the Robert Allsop case. Total one-time supplemental costs for FY 2004 are: \$905,900.

2.3 Intent Language Public Lands Issues

It is the intent of the Legislature that up to \$120,000 provided from the General Fund Restricted - Constitutional Defense account be used to pay for legal services regarding public lands issues involving the state, other than those related to existing rights of way established before 1976 under RS-2477 guidelines.

3.1 Administration

Recommendation

The Analyst recommends \$2,393,000 for Administration.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund	1,198,400	2,148,500	2,393,000	244,500
General Fund, One-time	300,000	249,000		(249,000)
Beginning Nonlapsing	9,000	1,200		(1,200)
Closing Nonlapsing	(1,200)			
Total	\$1,506,200	\$2,398,700	\$2,393,000	(\$5,700)
Expenditures				
Personal Services	1,057,700	1,911,500	1,905,800	(5,700)
In-State Travel	5,000	5,000	5,000	
Out of State Travel	14,500	14,500	14,500	
Current Expense	406,100	418,500	418,500	
DP Current Expense	22,900	49,200	49,200	
Total	\$1,506,200	\$2,398,700	\$2,393,000	(\$5,700)
FTE/Other				
Total FTE	31	31	31	0
Vehicles	7	7	7	0

*Non-state funds as estimated by agency

Purpose

The Administration coordinates and supervises the work of attorneys, directs prosecutorial efforts on a state level, and provides all central services for the office. These services include fiscal, budgetary, computer, facilities and personnel matters as well as acquisitions and other expenditures.

3.2 Public Advocacy

The Analyst recommends \$8,387,000 for Public Advocacy.

	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
General Fund	4,911,300	5,305,200	5,322,900	17,700
General Fund, One-time		20,400		(20,400)
Federal Funds	442,300	1,106,000	1,106,000	
Dedicated Credits Revenue	1,837,800	1,826,100	1,826,100	
Transfers - Commission on Criminal and .	48,100	77,000	77,000	
Transfers - Other Agencies	71,000	55,000	55,000	
Beginning Nonlapsing		31,900		(31,900)
Closing Nonlapsing	(31,900)			
Total	\$7,278,600	\$8,421,600	\$8,387,000	(\$34,600)
Expenditures				
Personal Services	6,268,200	7,398,400	7,363,800	(34,600)
In-State Travel	25,500	25,300	25,300	
Out of State Travel	55,400	57,400	57,400	
Current Expense	803,600	812,100	812,100	
DP Current Expense	125,900	128,400	128,400	
Total	\$7,278,600	\$8,421,600	\$8,387,000	(\$34,600)
FTE/Other				
Total FTE	101	101	101	0
Vehicles	20	20	20	0

*Non-state funds as estimated by agency

Purpose

Public Advocacy consists of four divisions: Tax and Revenue, Criminal (including investigators), Environment and Consumer Rights. Unlike the State Counsel functions, this program focuses on regulatory functions and prosecutorial activities.

Tax and Revenue

The attorneys of the Tax and Revenue Division provide support to the State Tax Commission, State Insurance Department, Department of Financial Institutions, and state entities that issue bonds. They insure that Utah's monetary assets are defended against those who would avoid paying their fair share of taxes due. The state's vigilant efforts to audit and collect taxes from all that owe assure each taxpayer a fair but not excessive burden. They also represent the agencies that regulate insurance companies and financial institutions, so citizens have the insurance and protection of deposits they expect. They also represent state entities issuing general obligations and revenue bonds to be certain amounts and conditions imposed by the Legislature are observed.

Criminal

The division has extensive experience in criminal prosecutions, with special expertise in homicide and public corruption cases. They investigate and prosecute crimes when county attorneys are disqualified or need additional resources; assist county attorneys throughout the state with other major prosecutions; review and investigate and respond to complaints and inquiries from law enforcement agencies, citizens, and legislators; provide assistance to state and federal agencies. The division incorporates prosecutors specializing in insurance fraud, narcotics enforcement, medicaid fraud, welfare fraud, criminal nonsupport, financial crimes and money laundering.

Environment

The Environment Division provides legal support to the Utah Department of Environmental Quality (DEQ). The division's objectives include protection of the Utah environment against those who would pollute or otherwise destroy it. Major programs implemented are in the areas of air quality plans and permitting, hazardous waste treatment and disposal, leaking underground storage tanks, historical hazardous substances disposal/superfund sites, surface water and groundwater protection, drinking water, and radiation. The Environment Division is also responsible for investigation of environmental crimes and coordination with local and federal law enforcement officials.

Consumer Rights

The attorneys of this division represent the Department of Commerce; specifically Division of Occupational and Professional Licensing (which licenses over 50 professions in the state), Division of Real Estate (which licenses real estate agents and brokers and appraisers), Division of Securities (which licenses stockbrokers and agents), Division of Consumer Protection, and Division of Corporations. This division of the Attorney General's Office enforces antitrust laws and participates in multi-state antitrust enforcement. It criminally and civilly prosecutes securities, consumer, and other white collar fraud cases.

3.3 Water Rights Adjudication

Recommendation The Analyst recommends \$140,500 for Water Rights Adjudication.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund	8,300	7,200	8,000	800
General Fund, One-time		500		(500)
Dedicated Credits Revenue	140,100	132,900	132,500	(400)
Beginning Nonlapsing		300		(300)
Closing Nonlapsing	(300)			
Total	\$148,100	\$140,900	\$140,500	(\$400)
Expenditures				
Personal Services	140,100	132,900	132,500	(400)
Out of State Travel	400	400	400	
Current Expense	5,800	5,900	5,900	
DP Current Expense	1,800	1,700	1,700	
Total	\$148,100	\$140,900	\$140,500	(\$400)
FTE/Other				
Total FTE	2	2	2	0

*Non-state funds as estimated by agency

Purpose

This program consists of two attorneys working full time with the State Engineer’s Office of Water Rights Adjudication. In addition, the two attorneys in the Natural Resources Division who are assigned to the State Engineer’s Office also devote significant time to this effort. The program was set up by the Legislature to ensure that at least two attorneys are working full time on these adjudications.

The water adjudication attorneys work with the State Engineer’s staff in preparing recommendations to the various district courts on pending adjudication actions. Where disputes over those recommendations arise, the attorneys prepare answers and litigate or negotiate settlements of the various disputes. The adjudication of the tens of thousands of water rights throughout the state will provide certainty over water rights for thousands of water users.

The general adjudication process also includes the various reserved water rights claims of the United States, including reserved water rights for Indian reservations, national parks and monuments, national wildlife refuges and forest service lands. Under federal law, these claims must be adjudicated in state court as part of the general adjudications process.

3.4 State Counsel

Recommendation

The Analyst recommends \$13,919,700 for State Counsel.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund	5,161,900	4,132,600	4,248,800	116,200
General Fund, One-time		16,700		(16,700)
Dedicated Credits Revenue	9,227,300	9,227,300	9,227,300	
GFR - Commerce Service	434,400	443,600	443,600	
GFR - Tobacco Settlement	100,000	100,000		(100,000)
Beginning Nonlapsing		36,900		(36,900)
Closing Nonlapsing	(36,900)			
Total	\$14,886,700	\$13,957,100	\$13,919,700	(\$37,400)
Expenditures				
Personal Services	13,966,400	13,067,100	13,029,900	(37,200)
In-State Travel	36,600	36,600	36,600	
Out of State Travel	15,100	15,000	15,000	
Current Expense	685,200	655,000	654,800	(200)
DP Current Expense	183,400	183,400	183,400	
Total	\$14,886,700	\$13,957,100	\$13,919,700	(\$37,400)
FTE/Other				
Total FTE	177	177	177	0
Vehicles	2	2	2	0

*Non-state funds as estimated by agency

Purpose

There are six divisions within the State Counsel section: Child and Family Support, State Agency Counsel, Education, Appeals, Natural Resources and Litigation. The functions of State Counsel involve advising state agencies and defending these agencies against pending litigation.

Child and Family Support Division

The **Child and Family Support Division** serves as legal counsel to the Office of Recovery Services (ORS) and the Department of Health (DOH).

As counsel to ORS, the division assists in carrying out federally mandated services such as establishing paternity, establishing child support obligations, modifying support orders, enforcing support orders in the state and establishing and enforcing support orders from other states and countries. With welfare reform limiting the period in which a custodial parent can receive financial assistance, it becomes crucial that child support is paid. The division also handles appeals for ORS.

The division also recoups Medicaid funds and TANF funds which are improperly received, and recovers Medicaid funds from liable third parties.

For the Department of Health, the office provides legal advice on a variety of legal issues, including: Medicaid eligibility; contract disputes, health care facility licensing and program compliance; and records access, including confidentiality issues. The division also appears as counsel in administrative hearings to determine Medicaid and UMAP (Utah Medical Assistance Program) eligibility.

State Agency Counsel: The State Agency Counsel Division provides legal advice and representation to 36 state agencies.

Education: The Education Division provides legal counsel to the State Board of Regents and the nine state higher educational institutions, and also the State Board of Education and the various state public education entities under its direct control and supervision. The division provides attorneys to handle legal issues such as civil rights, employment disputes, collections, contracts, torts, real property, copyright and patent, and compliance with state and federal statutory and regulatory requirements.

Appeals: The Appeals Division handles the following types of cases:

- ▶ all direct appeals involving state capital homicide convictions;
- ▶ all direct appeals involving state felony conviction and sentences;
- ▶ all interlocutory appeals involving pre-conviction rulings in state felony or capital homicide cases;
- ▶ all direct and interlocutory appeals involving Serious Youth Offenders;
- ▶ all direct and interlocutory appeals from juvenile court involving juveniles retained in juvenile court but charged or adjudicated guilty of an offense which would be a felony if committed by an adult;
- ▶ all state's appeals of dismissals or other termination of felony prosecutions, typically from pretrial dismissal of a felony information or suppression of evidence;
- ▶ all post-conviction state trial proceedings under rule 65c, Utah Rules of Civil Procedure, in which a convicted felon or capital murderer collaterally challenges his conviction or sentence;
- ▶ all direct appeals of state post-convictions proceedings;
- ▶ all habeas corpus federal trial proceedings in which state-convicted felons or capital murderers collaterally challenge their convictions in de novo federal proceedings;
- ▶ all direct appeals of federal habeas corpus proceedings;
- ▶ all petitions for certiorari review filed in the United States Supreme Court involving state felony or capital homicide convictions;
- ▶ all rule 23B, Utah Rules of Appellate procedure, proceedings in district and appellate courts (evidentiary proceedings involving claims of ineffective assistance of counsel) involving felony or capital homicide convictions;
- ▶ all petitions for release of convicted felons, petitions for certificates of probable cause, filed in appellate courts;
- ▶ All summary disposition appellate proceedings involving felons.

In addition, the Criminal Appeals Division consults and otherwise assists trial prosecutors throughout the state on a regular basis in capital murder trials, search and seizure cases, and other major trials involving complex evidentiary or constitutional issues. This includes weekly requests for research, requests for help in preparing memorandums, requests for review of district court rulings, assistance in preparing jury instructions, and advice on the admissibility of evidence during trials.

The division regularly participates in providing training to trial prosecutors, as well as police and probation officers, through the SWAP and other educational forums. They have also developed a computerized index of major Utah and U.S. Supreme Court cases which prosecutors throughout the State may use for quick research and reference through the AG Internet page.

The appellate courts insist on very tight deadlines, with priority given to capital murder and imprisoned defendants. The appellate courts are extremely reluctant to grant more than one 30-day extension to the state in submitting a brief. The Rules of Appellate Procedure permit the appellate court to refuse to accept a late-filed brief or to prohibit the state from orally arguing a case in which a brief was submitted as little as one day late.

Natural Resources: This division provides legal and litigation support to Utah Department of Natural Resources and its various divisions. The division also represents the state in matters of Indian Law.

Litigation: The Litigation division defends lawsuits against the state, its agencies, school districts and employees from lawsuits involving claims for damages. These cases typically involve civil rights, employment matters and personal injury claims. The division also acts as agency counsel for Risk Management; and handles most of the office's civil appeals.

3.5 Children’s Justice

Recommendation

The Analyst recommends \$752,100 for Children’s Justice.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund	736,700	587,200	594,100	6,900
General Fund, One-time		2,100		(2,100)
Dedicated Credits Revenue	30,700	158,500	158,000	(500)
Beginning Nonlapsing		6,400		(6,400)
Closing Nonlapsing	(6,400)			
Total	\$761,000	\$754,200	\$752,100	(\$2,100)
Expenditures				
Personal Services	686,000	678,900	676,800	(2,100)
In-State Travel	4,200	4,200	4,200	
Out of State Travel	2,800	2,800	2,800	
Current Expense	58,200	58,500	58,500	
DP Current Expense	9,800	9,800	9,800	
Total	\$761,000	\$754,200	\$752,100	(\$2,100)
FTE/Other				
Total FTE	9	9	9	0

*Non-state funds as estimated by agency

Purpose

The division provides advice, expertise and training on criminal prosecution of child abuse to prosecutors and investigators throughout the state who need technical assistance and experience in investigating and prosecuting child abuse cases. The attorneys often act as co-counsel with local prosecutors on complex, multi-jurisdictional, or conflict of interest child abuse cases. Frequently, an attorney from the division will assume complete control of a case.

The division is also responsible for coordination of the Children’s Justice Center program and staff support to the State Advisory Board on Children’s Justice. One division attorney provides domestic violence training throughout the state to prosecutors, law enforcement officials, DCFS employees and other professionals. This attorney also prepares and updates a domestic violence manual. A division attorney represents the Division of Youth Corrections.

The division employs forensic investigators who investigate allegations of abuse or neglect committed by foster parents or other licensed providers against children in DCFS custody. Division attorneys draft legislation in the areas of child abuse, domestic violence and elder abuse. They participate as members of Primary Children’s Medical Center Child Protection Team, the state Child Fatality Review Committee, the state Domestic Violence Advisory Council, the Domestic Violence Governmental Affairs Subcommittee, the Governors Cabinet Council on Domestic Violence, the Disproportionate Minority Confinement Task force, American Professional Society for the Abuse of Children, Child Abuse and Neglect Advisory Council and other State committees related to child abuse and domestic violence.

3.6 Child Protection

Recommendation

The Analyst recommends \$4,610,700 for Child Protection.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund	3,089,300	3,120,000	2,773,700	(346,300)
General Fund, One-time	400,200	10,000		(10,000)
Dedicated Credits Revenue	1,137,000	1,137,000	1,137,000	
Beginning Nonlapsing	1,327,000	1,646,600	700,000	(946,600)
Closing Nonlapsing	(1,646,600)	(700,000)		700,000
Total	\$4,306,900	\$5,213,600	\$4,610,700	(\$602,900)
Expenditures				
Personal Services	3,689,500	4,046,200	3,717,400	(328,800)
In-State Travel	35,100	85,100	85,100	
Out of State Travel	4,700	104,700	104,700	
Current Expense	492,000	812,100	597,900	(214,200)
DP Current Expense	85,600	125,500	105,600	(19,900)
DP Capital Outlay		40,000		(40,000)
Total	\$4,306,900	\$5,213,600	\$4,610,700	(\$602,900)
FTE/Other				
Total FTE	59	59	59	0
Vehicles	5	5	5	0

*Non-state funds as estimated by agency

Purpose

The Child Protection Division of the Attorney General’s office is the result of the passage of the Child Welfare Reform Act in the 1994 General Session. Under the Child Welfare Reform Act, the Attorney General represents the Division of Family Services in abuse and neglect cases.

Providing a safe living environment can involve something as drastic as permanently removing a child from an abusive home and making the child available for adoption. Usually it will involve other alternatives such as temporary shelter, foster care, or protective supervision of the child in his or her own home. All of these circumstances require court action and the involvement of the AG’s office. The Child Protection Division advises the Division of Child and Family Services (DCFS) regarding a decision to remove a child from his or her home; represents DCFS in all court and administrative proceedings related to child abuse, neglect, and dependency, including but not limited to shelter hearings, dispositional hearings, dispositional review hearings, periodic review hearings, and petitions for termination of parental rights; advises DCFS caseworkers on an ongoing basis; and represents the Division of Human Services Department of Licensing that issues licenses for social service programs, such as child care centers and residential treatment centers.

3.7 Antitrust Prosecution

Recommendation The Analyst recommends \$250,000 for Antitrust Prosecution.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
Attorney General Litigation Fund	252,100	255,600	250,000	(5,600)
Beginning Nonlapsing		400		(400)
Closing Nonlapsing	(400)			
Total	<u>\$251,700</u>	<u>\$256,000</u>	<u>\$250,000</u>	<u>(\$6,000)</u>
Expenditures				
Personal Services	217,000	220,800	215,100	(5,700)
In-State Travel	100	200	200	
Out of State Travel	6,900	6,900	6,900	
Current Expense	25,900	26,100	26,100	
DP Current Expense	1,800	2,000	1,700	(300)
Total	<u>\$251,700</u>	<u>\$256,000</u>	<u>\$250,000</u>	<u>(\$6,000)</u>
FTE/Other				
Total FTE	2	2	2	0

*Non-state funds as estimated by agency

Purpose

The Antitrust Act allows the Attorney General to pursue antitrust cases. During the 2002 General Session, the Legislature transferred the funds from the Antitrust Revolving Account to the Attorney General Litigation Fund. Funds in this account are restricted for use in investigation and prosecution of antitrust litigation. Use of these funds is limited to amounts appropriated by the Legislature.

3.8 Public Lands

Recommendation

The Analyst recommends \$120,000 for Public Lands.

	2003 Actual	2004 Estimated*	2005 Analyst	Est/Analyst Difference
Financing				
GFR - Constitutional Defense		120,000	120,000	
Total	\$0	\$120,000	\$120,000	\$0
Expenditures				
Personal Services		120,000	120,000	
Total	\$0	\$120,000	\$120,000	\$0
FTE/Other				
Total FTE	0	1	1	0

*Non-state funds as estimated by agency

Purpose

This program provides legal service to protect the right of citizens to reasonable access and use of public lands, typically federal BLM and US Forest Services lands. The program takes legal action or intervenes in other legal actions involving BLM and Forest Service administrative decisions regarding such use. It is a goal of the Natural Resources Division with the Attorney General's Office to represent the Department of Natural Resources and its divisions in matters involving reasonable public access to, and use of public lands.

3.9 Contract Attorneys

Recommendation

The Analyst recommends \$300,000 for Contract Attorneys.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
General Fund, One-time		400,000		(400,000)
Dedicated Credits Revenue	464,200	300,000	300,000	
Total	<u>\$464,200</u>	<u>\$700,000</u>	<u>\$300,000</u>	<u>(\$400,000)</u>
Expenditures				
Current Expense	464,200	700,000	300,000	(400,000)
Total	<u>\$464,200</u>	<u>\$700,000</u>	<u>\$300,000</u>	<u>(\$400,000)</u>

*Non-state funds as estimated by agency

Purpose

This program is used to record the costs of outside contract attorneys used through the state. Agencies desiring outside counsel approved by the Attorney General have expenses paid from this fund and must reimburse the fund in full.

3.10 Prosecution Council

Recommendation The Analyst recommends \$500,100 for the Prosecution Council.

	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
GFR - Public Safety Support	493,500	500,100	500,100	
Transfers - Commission on Criminal and	4,900			
Beginning Nonlapsing	57,800			
Lapsing Balance	(24,200)			
Total	\$532,000	\$500,100	\$500,100	\$0
Expenditures				
Personal Services	313,200	324,400	323,500	(900)
In-State Travel	37,200	37,200	37,200	
Out of State Travel	10,600	8,600	8,600	
Current Expense	127,500	89,400	90,300	900
DP Current Expense	43,500	40,500	40,500	
Total	\$532,000	\$500,100	\$500,100	\$0
FTE/Other				
Total FTE	5	5	5	0

*Non-state funds as estimated by agency

Purpose

The Prosecution Council was created by legislative act in 1990. The statutory charge of the council is to: “(a) provide training and continuing legal education for the State and local prosecutors; (b) provide assistance to local prosecutors; and (c) as funds are available provide reimbursement for unusual expenses relative to prosecution for violations of State Laws.” The council is funded from the Public Safety Support Fund.

The Prosecution Council, though housed in the Attorney General’s office for administrative purposes, has a separate, statutorily created Charter and Board of Directors to whom the UPC Director and staff are responsible. The AG’s office provides budgeting and accounting support and day-to-day management supervision through the Criminal Division.

UPC Staff are coordinators for the Interstate Agreement on Detainers and the Uniform Criminal Extradition Act. In that capacity, they review extradition cases on behalf of the Attorney General’s Office and advise the Governor’s Extradition’s Coordinator on legal matters concerning extradition.

3.11 Domestic Violence

Recommendation

The Analyst recommends \$78,500 for Domestic Violence prosecution.

	2003	2004	2005	Est/Analyst
	Actual	Estimated*	Analyst	Difference
Financing				
GFR - Domestic Violence	78,500	78,500	78,500	
Beginning Nonlapsing	500			
Lapsing Balance	(1,700)			
Total	<u>\$77,300</u>	<u>\$78,500</u>	<u>\$78,500</u>	<u>\$0</u>
Expenditures				
Personal Services	68,000	69,200	68,500	(700)
In-State Travel	700	700	700	
Current Expense	8,600	8,600	9,300	700
Total	<u>\$77,300</u>	<u>\$78,500</u>	<u>\$78,500</u>	<u>\$0</u>
FTE/Other				
Total FTE	1	0	0	0

*Non-state funds as estimated by agency

Purpose

The Legislature provides funding for the training of municipal and county prosecutors in the prosecution of domestic violence offenses. Responsibility for the administration of the training effort was given to the Attorney General. Funding for the program is .05 percent of the Criminal Fine Surcharge Account. Since 1991, Utah Prosecution Council has sponsored an annual, multi-disciplinary Domestic Violence Conference at which prosecutors meet and confer with domestic violence professionals from other agencies.

3.12 Children’s Justice Centers

Recommendation The Analyst recommends \$2,176,100 for the Children’s Justice Centers.

	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
General Fund	2,047,900	2,052,800	2,053,800	1,000
General Fund, One-time		1,000		(1,000)
Federal Funds	124,600	122,300	122,300	
Beginning Nonlapsing	88,200	7,200		(7,200)
Closing Nonlapsing	(7,200)			
Total	\$2,253,500	\$2,183,300	\$2,176,100	(\$7,200)
Expenditures				
Personal Services	265,800	96,300	96,100	(200)
In-State Travel	3,400	3,300	3,300	
Out of State Travel	6,100	6,000	6,000	
Current Expense	1,970,000	2,077,700	2,070,700	(7,000)
DP Current Expense	8,200			
Total	\$2,253,500	\$2,183,300	\$2,176,100	(\$7,200)
FTE/Other				
Total FTE	2	2	2	0

*Non-state funds as estimated by agency

Purpose

The Children’s Justice Centers are homelike facilities that serve children who have been physically or sexually abused and who will be required to appear in court as witnesses against their abusers. A multi-disciplinary team coordinates the interview and investigation process. The CJC staff assesses the needs of the children and families for support services. The focus and function of the Children’s Justice Centers is to coordinate all involved agencies to reduce trauma to the child and enhance communication and services for victims.

4.0 Additional Information: Attorney General

4.1 Funding History

	2001	2002	2003	2004	2005
Financing	Actual	Actual	Actual	Estimated*	Analyst
General Fund	17,669,700	18,840,900	17,297,400	17,353,500	17,394,300
General Fund, One-time			700,200	699,700	
General Fund Restricted	1,283,600	1,277,000	1,106,400	1,242,200	1,142,200
Federal Funds	1,084,500	728,500	566,900	1,228,300	1,228,300
Dedicated Credits	12,242,200	12,679,300	12,837,100	12,781,800	12,780,900
Trust and Agency Funds	159,900	228,400	252,100	255,600	250,000
Transfers	201,800	173,300	124,000	132,000	132,000
Beginning Balance	71,000	429,900	1,482,500	1,730,900	700,000
Closing Balance	(430,000)	(1,482,500)	(1,730,900)	(700,000)	
Lapsing Balance		(31,600)	(25,900)		
Total	\$32,282,700	\$32,843,200	\$32,609,800	\$34,724,000	\$33,627,700
Programs					
Attorney General	27,904,000	29,512,000	29,139,200	31,262,100	30,573,000
Contract Attorneys	1,820,300	643,800	464,200	700,000	300,000
Children's Justice Centers	1,999,300	2,177,500	2,253,500	2,183,300	2,176,100
Prosecution Council	490,500	425,500	532,000	500,100	500,100
Domestic Violence	68,600	84,400	77,300	78,500	78,500
Obscenity and Pornography Ombudsman			143,600		
Total	\$32,282,700	\$32,843,200	\$32,609,800	\$34,724,000	\$33,627,700
Expenditures					
Personal Services	25,413,900	26,639,200	26,812,900	28,065,700	27,649,400
In-State Travel	137,100	121,900	147,800	197,600	197,600
Out of State Travel	150,100	115,600	116,500	216,300	216,300
Current Expense	6,175,200	5,250,800	5,048,800	5,663,900	5,044,100
DP Current Expense	399,800	715,700	483,800	540,500	520,300
DP Capital Outlay	6,600			40,000	
Total	\$32,282,700	\$32,843,200	\$32,609,800	\$34,724,000	\$33,627,700
FTE/Other					
Total FTE	412	390	390	388	388
Vehicles	23	29	34	34	34

*Non-state funds as estimated by agency.

4.2 Federal Funds

Source Program	2003 Actual	2004 Estimated	2005 Analyst
Children's Justice Grant	\$124,600	\$122,300	\$122,300
Medicaid Fraud Unit Grant	299,800	754,000	754,000
Department of Justice Grants	142,500	352,000	352,000
Totals	<u>\$566,900</u>	<u>\$1,228,300</u>	<u>\$1,228,300</u>